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COMPILATION
OF
LAWS AND ORDINANCES

(Enacted since January 1, 1860.)

RELATING TO
RAILROADS AND OTHER CORPORATIONS
(INCLUDING FERRIES)

IN THE
CITY OF NEW YORK.

PREPARED IN THE OFFICE OF THE COUNSEL TO THE
CORPORATION.

New York City, N. Y.

NEW YORK:
EVENING POST JOB PRINTING OFFICE, COR. BROADWAY AND FULTON STREET
(Law Telephone 541.)

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This compilation covers the period from January 1, 1860, to January 1, 1887, and contains the laws and ordinances relating to railroad, electric light, steam heating, stage, gas and telegraph companies in the City of New York, as well as to the establishment of ferries.*

The compilation was prepared in the office of the Counsel to the Corporation.

It was begun by the Hon. E. Henry Lacombe, continued by his successor, the Hon. Morgan J. O'Brien, and finished by the Hon. Henry R. Beekman.

May, 1888.

* In the year 1860 there was published by order of the Common Council a book entitled "A compilation of the ferry leases and railroad grants made by the Corporation of the City of New York."

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1860. Chap. 10, p. 16.

Passed January 30.

AN ACT relative to railroads in the City of New York.

§ 1. It shall not be lawful hereafter to lay, operate, etc., any railroad in, &c., any street or avenue of New York City, wherever such road may commence or end, except under the authority and subject to the regulations and restrictions which the legislature may hereafter grant and provide. This section not to be deemed to affect the operation, so far as laid, of any railroad now constructed and duly authorized, nor held to impair, in any manner, any valid grant for or relating to any railroad, in said city, existing on January 1, 1860.

§ 2. Repeals inconsistent acts and parts of acts.

§ 3. Act takes effect immediately.

1860. Chap. 143, p. 228.

Passed April 2d.

AN ACT to authorize the construction of a railway and tracks in the towns of West Farms, Westchester, Eastchester, New Rochelle, Yonkers and Morrisania, in the County of Westchester.

§ 1. Declares it lawful for Gouverneur Morris and others, and those now or hereafter associated with them, to lay a double or single railway track: Commencing at the junction of Fordham avenue

with the road leading from Fordham to West Farms; thence south along Fordham avenue to Boston Post road; thence along the Boston Post road to its junction with Benson avenue, widening Fordham avenue, by the purchase of a sufficient quantity of land on the easterly side thereof to make said avenue one hundred feet wide; said track or tracks to be laid east of the present travelled road, so as not to interfere with the same; or if said grantees and their associates so elect, it shall be lawful for them, instead of so widening said roads, to lay said track or tracks as follows: Commencing at the junction of Boston Post road and Fordham avenue and thence by the most feasible route to Fulton avenue; thence along Fulton avenue to and in continuance thereof, through lands of Bathgate Brothers and of Nathan S. Jarvis, to Lafayette avenue, and along said avenue to the road leading from West Farms to Fordham; thence by the most feasible route to Fordham depot, and from the junction of West Farms road and Lafayette avenue by the most feasible route to the Bleach Works. From the junction of Benson avenue and Boston Post Road, through the land of Mrs. Davy and others to Retreat avenue in East Melrose; thence along said avenue to the lands of Lewis Morris; thence through said lands, either along the easterly side of Boston Post Road, purchasing land sufficient to make the same one hundred feet wide, or by a straight line parallel to the Boston Post Road from the end of Retreat avenue to Harlem Bridge, with a branch double track running from the junction of Boston Post Road with Benson avenue, along Benson avenue to the Westchester Road, across the same and down St. Ann's avenue to Westchester Railroad street; thence eastwardly along said street to Beach avenue; thence down Beach avenue to Division avenue; thence eastwardly along said Division avenue to some point on the water at Port Morris.

§ 2. It shall be lawful for said grantees and their associates to lay a single or double railway track from Port Morris, at the termination of said branch railroad, on the best or most feasible route, to the east side of the village of Westchester, and from the east side of said village to the village of Eastchester, along or near to the salt meadows, crossing Eastchester creek above the head of navigation of the same, and continuing on to the village of New Rochelle; also from Port Morris, by the best and most feasible route, to Harlem Bridge; thence along or near to Harlem River to the line of Hudson River Railroad at Spuyten Devil.

§ 3. Bridges crossing navigable streams to be constructed with adequate and proper draws.

§ 4. The cars used on the portion of said roads leading from Fordham to Harlem Bridge, and on the branch leading from the junction of Benson avenue with Boston Post Road to Port Morris, shall be drawn only by animals; the remainder of the road may be operated by steam power.

§ 5. Tracks on the roads mentioned in the first section above, to be laid with such rails and in such manner as shall not obstruct carriage travel. Grantees shall cause said tracks to conform to the grade of the roads as they now are, or as it may be by them and at their expense changed or altered; and to keep the surface of such roads, inside the rails, and for two feet outside, on each side, in good order and repair.

§ 6. The road from junction of Boston Post Road and Fordham avenue to Harlem Bridge, shall be completed within two years, and the remainder within five years from the date of the passage of this act.

§ 7. No more than eight cents shall be charged

any passenger for any distance over the road from Harlem Bridge to Fordham. And no more than five cents from Harlem Bridge to Seventh street, in the village of Morrisania, or for any distance from that point to Fordham.

§ 8. Grantees etc. required to organize within one year after the passage of the act under the General Railroad Act of April 2, 1850. In the event of such organization all the provisions of that act, except the number of persons designated in section 1 thereof, and except section 27 thereof, to apply to grantees etc. But said sections 1 and 27 shall not apply to said grantees etc.

§ 9. Authorizes issue of bonds for the construction, etc., of said roads, to the amount of one-half of the capital stock necessary for such purposes.

§ 10-11. In case of claims for lands taken for use of highways, or other roads occupied, or for damages, application may be made by any party interested. How and to what Court. Appointment of Commissioners. They shall determine amount of claims, benefits and damages. Other powers and duties and modes of proceeding. Expenses and how collected.

1860. Chap. 411, p. 715.

Passed April 14.

9th May
 AN ACT to confirm a grant or resolution of the Common Council of the City of New York, authorizing the construction of a railroad in certain streets and avenues in said city, and to authorize the construction of said railroad.

§ 1. The grant or permission given or intended so to be, by the Common Council of the City of

New York, by resolution passed in 1853, to William Radford, James Murphy and Minor C. Story and their assigns to lay, etc., a railroad in said city, through Ninth avenue, Gansevoort street, Washington street, Battery Place and Greenwich street, in said city, and such other streets and avenues as are mentioned in said resolution, and all powers, privileges, etc., granted or conferred, or intended so to be by such grant or resolution, are, notwithstanding any irregularities, confirmed, made valid, etc., in said persons or their assigns now owning, or by virtue of an assignment from them or any of them, claiming to own, have, or be entitled to such grant etc., they having already constructed said railroad in part; and said persons, or their assigns as aforesaid, are authorized etc. to lay etc. and run a railroad over, etc., etc., the avenues, streets and places mentioned in said resolution, with the necessary turn-outs, etc., for the proper working of said road.

§ 2. The persons aforementioned, or their assigns, are authorized forthwith to lay the track, etc., and operate the railroad upon and over the route, and in the manner in said resolution mentioned, with like power and subject to like regulations as those specified in the said resolution. Assigns of said persons or of their assigns, with their legal representatives and assigns, shall have, etc., all the powers, rights, etc., by this action [act?] given or conferred on said persons or their present assigns or any or either of them. They are authorized to make connections at Canal street, with the Hudson River Railroad, and with the Eighth Avenue railroad; the connections to be made on such terms and conditions as may be agreed on between the said grantees or their assigns and the respective companies owning said railroads.

§ 3. In case any other person than the Corporation of New York City shall own any private right

or interest in any street or avenue, upon which said railroad is authorized to be laid, and said associates, etc., shall be unable to agree for the use of such right, etc., for the purposes aforesaid, it shall be lawful for them to acquire the right to use the same for such purpose for the term of the aforesaid grant, as against such other person, in the manner provided in sections 14 to 21, inclusive, of the General Railroad Act of April 2, 1850, except that the petition to the Supreme Court need not mention certain matters contained in said section 14.

§ 4. Acts and parts of acts inconsistent with the provisions of this act not to apply to any of the matters aforesaid.

§ 5. Act takes effect immediately.

1860. Chap. 475, p. 950.

Passed April 17.

AN ACT to incorporate the Harlem Stage and Ferry Company of the City of New York.

File
§ 1. Isaac B. Batchelor and others and their associates are constituted a body corporate, by the name of the "Harlem Stage and Ferry Company of the City of New York."

§ 2. Capital stock to be \$50,000; increasable to not exceeding \$100,000; shares \$25 each. Company may organize and commence business when \$20,000 subscribed. Stock to be personal property, transferable on the books of the company.

§ 3. Business to be managed by five directors—stockholders—to be chosen annually by ballot. Each stockholder entitled to one vote, in person or by proxy, on each share held at least five days previous to election.

§ 4. Directors to appoint officers. Term of office. Directors shall make necessary and proper by-laws and regulations for management of business, etc.

§ 5. First directors. Term of office. Vacancy, how filled. Who to be inspectors of elections. Proceedings in case election of directors shall not take place on day appointed.

§ 6. The corporation is authorized—

(1.) To build and run boats across Hudson River, from the foot of One Hundred and Twenty-fifth street, New York City, to a point immediately or nearly opposite thereto in New Jersey, for the purpose of transporting passengers, etc., etc. Rates or prices to be established from time to time by directors.

(2.) To build and run a line of stages from the ferry at the foot of One Hundred and Twenty-fifth street, through said street and Third avenue to Harlem Bridge and return.

(3.) To build, etc., suitable ferry houses, wharves, etc., necessary for the business of the corporation, and buy and hold real estate and other property required in the management and conduct of the business.

§ 7. If necessary, the company shall have power to procure the consent and authority of any person or corporation for any franchise or interest belonging to such party. Nothing herein contained to be construed to affect any ferry franchise of the city.

§ 8. The corporation to possess the powers and be subject to the provisions of Title 3, Chapter 18 of

Part 1 of the Revised Statutes, so far as applicable, and not herein otherwise provided for.

§ 9. Act takes effect immediately.

Amended chap. 398, of 1862.

1860. Chap. 511, p. 1033.

Passed April 17; notwithstanding the objections of the Governor.

AN ACT to authorize the construction of a railroad track on Southwest [South, West?], and certain other streets in the City of New York.

§ 1. Charles W. Durant and others, and their assigns, are authorized to lay, operate, &c., a railroad with a double or single track as hereinafter provided, and to convey passengers and freight thereon for compensation, through and along the following streets, &c., in New York City, viz.: Commence at the intersection of Tenth avenue and Fifty-ninth street; along Tenth avenue, with double track, into West Twelfth street; along West Twelfth street, with single track, to Greenwich street; from West Twelfth street along both West and Greenwich streets, southerly, with single or double track on each street to Battery place; along Battery place to State street, with double track; along State street, with single track to Whitehall street; along Whitehall street, with double track, to South Ferry; returning along Whitehall street, with single track from its intersection with State street, to Bowling Green; along southerly side of Bowling Green, with single track, to connect with the double track in Battery place, with the right to construct and use a double track from West street along Chambers street, to its intersection with Hudson street; also, from the

intersection of Tenth avenue and Fifty-ninth street, with double track, along Fifty-ninth street to First avenue; thence along First avenue, with double track, to Twenty-third street; along Twenty-third street, with double track, to Avenue A; along Avenue A, with double track, to Fourteenth street; along Fourteenth street, with double track, to Avenue D; along Avenue D, with double track, to Houston street; along Houston street, with double track, to Mangin street; along Mangin street, with single track, to Grand street; along Grand street to Crolears street with single track; through Corlears street to South street, with single track; along South street to Montgomery street, with single track; along Montgomery street, with single track, to the junction of Front and South streets; along South street, with double track, to the junction of South and Front streets, at Roosevelt street; along South street to Old Slip, with single track; along Old Slip to Water street, with single track; along Water street to Whitehall street with single track; along Whitehall street to South street, with double track; along South street to Coenties slip, with single track; along Coenties slip to Front street, with single track; also with single track, from Old Slip, along Front street, to Whitehall street; also a double track in Broad street, from Water street to South street; also through Houston street from its intersection with Avenue D by the track already named, to Goerck street; along Goerck street, to Grand street, with single track; along Grand street, with single track, to its intersection with Monroe street; along Monroe street to Jackson street, with single track; along Jackson street, to Front street, with single track; along Front street, with single track, to its intersection with South street at Montgomery street along South street by the double track already named, to Front street, at the junction of South and Front streets, at Roosevelt street; along Front street to Old Slip, and thence along Front street to

Whitehall street, by the track already named; along Whitehall street, with single track, to South Ferry, with the privilege of laying all necessary sidings, turnouts, connections and switches for the proper working and accommodation of the said railroad, in any of the above mentioned streets, and of connecting with, running on or crossing all such other railroad tracks as may lie along or across any of said routes, streets or avenues.

§ 2. Said railroad shall be constructed on the most approved plan for the construction of city railroads, and the cars run as often as public convenience shall require, and shall be subject to such reasonable rules and regulations in respect thereto, in the transportation of passengers and freight in suitable cars, as the New York City Common Council may, from time to time, by ordinance prescribe, and to the payment to the city of the same license fee annually for each passenger car run thereon, as is now paid by other city railroads in said city; and no higher rate of fare shall be charged for passengers than is now charged by city railroads in said city now chartered and constructed. The Common Council is authorized and required to grant permission to the persons herein named, or their assigns, to construct, maintain, operate and use said railroad in, upon and along the streets and avenues herein mentioned.

§ 3. In the construction, operation and use of such railroad, should said parties, etc., deem it necessary or proper to run upon, intersect or use any portion of any other railroad tracks now laid upon any of said streets or avenues, they are authorized to run upon, etc., the same. If unable to agree with the owners thereof respecting the compensation or payment to be made therefor, the amount of such compensation, etc., shall be ascertained and determined in the manner provided by subdivision 6 of the 28th section of the General

Railroad Act passed April 2, 1850. Should any real estate or interest therein be required for the purpose of constructing said railroad on said route or routes, for which the said persons, etc., shall be unable to agree with the owner for the use or purchase thereof, they may acquire the right to use or the title to the same in the manner specified in sections 14 to 21, inclusive, of said General Railroad Act, except that in any proceedings for any of the purposes authorized by this section, it shall not be necessary that the petition to the Supreme Court make any allegations of, or reference to any incorporation, capital stock, surveys or maps, or of the filing of any certificate of locations. In all cases, the use of said streets, etc., for the purposes of said railroad, as herein authorized, shall be considered one of the uses for which said Mayor, etc., of said city hold said streets, etc.

§ 4. The Mayor, Common Council and the several officers of the corporation of the City of New York, and said corporation, are prohibited from giving assent to or allowing any company claiming to derive authority under the General Railroad Act of April 2, 1850, or act amendatory thereof, or in addition thereto, to construct any railroad in or upon any or either of said streets, etc., and from doing any other act to hinder, delay or obstruct the construction or operation of said railroad as herein authorized. It is made the duty of the Mayor, Common Council and other officers to do such acts within their respective departments as may be needful to promote the construction, and protect the operation of said railroad as provided by this law. Any act or thing done in violation hereof shall be inoperative and void. All actions relating to, affecting or arising under this act, or the authority herein given, shall be commenced in the Supreme Court of the First Judicial District.

§ 5. All acts and parts of acts inconsistent with

the provisions of this act repealed, and declared inoperative so far as same are applicable to this act.

§ 6. Act to take effect immediately.

§ 7. Legislature may at any time modify, amend or repeal this act.

1860. Chap. 512, p. 1038.

Passed April 17; notwithstanding the objections of the Governor.

copy
AN ACT to authorize the construction of a railroad in Avenue D, East Broadway, and other streets and avenues of the City of New York.

§ 1. John E. Develin and others, and their assigns, authorized to lay, operate, etc., a railroad with a double or single track as hereinafter provided, and to convey passengers thereon for compensation, through, upon, etc., the following streets, routes, etc., in New York City, viz.: Commencing on Avenue D, at the northern extremity of the same; thence along Avenue D, with a double track, to Eighth street; along Eighth street, with single track, to Lewis street; along Lewis street, with single track, to Grand street; along Grand street, with double track, to East Broadway; along East Broadway, Chatham square, Chatham street and Park row, with double track, to Broadway; also from the corner of Avenue D and Eighth street along Avenue D, with single track, to Houston street; along Houston street, with single track, to Goerck street; along Goerck street, with single track, to connect with the double track in Grand street, hereinafter provided for; also, connecting with the double track in East Broadway along Canal street, with double track, to the westerly side of Broadway; also, connecting with the double track in Grand street at Lewis street, along Grand

street, with double track, to Grand street ferry, also, commencing at the northern extremity of Avenue B, along Avenue B, with double track, to Clinton street; along Clinton street, with a double track, to connect with the track in East Broadway; also, connecting with the track in Avenue B through and along Tenth street and Eleventh street, with single tracks, to Avenue D; also, connecting with the double track in Canal street at Broadway, with a single track, across Broadway to Lispenard street; thence, with a single track, along Lispenard street and across West Broadway to Beach street; along Beach street, with a single track, to Washington street; along Washington street, with single track, to Battery place; along Battery place, with double track, to the Bowling Green at State street; also, connecting with the track in Battery place through and along Greenwich street, with double track, to the centre of Canal street; also, connecting with track in Washington street at North Moore street, with single track, along North Moore street and across West Broadway to Walker street, and along Walker street to and to connect with the double track in Canal street; also connecting with the track in Washington street along Washington street, with a single track, to the centre of Canal street; also, connecting with the double track in Avenue D along Fourteenth street, with a double track, to First avenue; along First avenue, with a double track, to Thirty-fourth street; along Thirty-fourth street, with a double track, to Avenue A; along Avenue A, with a double track, to and to connect with the double track in Fourteenth street, together with the necessary connections, turnouts and switches for the proper working and accommodation of the road on said route or routes.

§ 2. Said railroad to be constructed on the most approved plan for the construction of city railroads, to be run as often as the convenience of

passengers may require, and to be subject to such reasonable rules and regulations in respect thereto as the Common Council may from time to time by ordinance prescribe; and to the payment to the city of the same license fee annually for each car run thereon as is now paid by other city railroads in said city; and said persons, etc., are authorized to charge the same rate of fare for passengers as is now charged by other city railroads in said city.

§ 3. In the construction, use, etc., of such railroad, should such persons etc. deem it necessary or proper to run upon, intersect or use any portion of other railroad tracks now laid upon any of said streets etc., they are authorized to run upon etc. the same. If unable to agree with the owner thereof respecting the compensation or payment to be made therefor, then the amount of such compensation etc. shall be ascertained and determined in the manner provided by subdivision 6 of the 28th section of the General Railroad Act passed April 2d, 1850. Should any real estate or interest therein be required for the purpose of constructing said railroad on said route or routes, for which said persons etc. shall be unable to agree with the owner for the use or purchase thereof, they may acquire the right to use or title to the same, in the manner specified in sections 14 to 21, inclusive, of said act of April 2, 1850, except that in any proceeding for any purpose authorized by this section it shall not be necessary that the petition to the Supreme Court make any allegations of or reference to any incorporation, capital stock, surveys or maps, or the filing of any certificate of location. In all cases, the use of said streets etc. for the purposes of said railroad as herein authorized, shall be considered a public use consistent with the uses for which the Mayor, etc. of said city hold said streets etc. The expense of constructing the tracks in Greenwich and Washington streets and Battery Place shall be borne equally by said persons etc. and any company which now

is or shall thereafter be authorized to construct tracks therein, and thereupon said tracks shall be used in common by said persons etc. and such company.

§ 4. The Mayor, Common Council and the several officers of the Corporation of said city, and said corporation, are prohibited from giving any assent to or allowing any company claiming to derive authority under the General Railroad Act of April 2d, 1850, or act amendatory thereof, or in addition thereto, to construct any railroad in or upon any or either of said street etc., and from doing any other act to hinder, delay or obstruct the construction or operation of said railroad as herein authorized. It is the duty of the Mayor, Common Council and other officers to do such acts within their respective departments, as may be needful to promote the construction and protect the operation of said railroad, as provided in this law. Any act or thing done in violation hereof, inoperative and void. All actions relating to, affecting, or arising under this act, or the authority herein given, to be commenced in the Supreme Court of the First Judicial District. Nothing in this section contained shall be deemed or held to impair the rights of any railroad now in operation in said city.

§ 5. Provisions of law inconsistent with this act repealed.

§ 6. Act takes effect immediately.

1860. Chap. 513, p. 1042.

Passed April 17; notwithstanding the objections of the Governor.

Seventh Ave.
AN ACT to authorize the construction of a railroad in Seventh avenue, and in certain other streets and avenues of the City of New York.

§ 1. John Kerr and others, and their assigns, authorized to lay, operate, etc., a railroad with a double or single track, as hereinafter provided, and to convey passengers thereon for compensation, through, upon, etc., the following streets, routes, etc., in New York City, viz.: Commencing on Seventh avenue at the southerly extremity of Central Park; thence along Seventh avenue, with double track, to the old Bloomingdale road or Broadway; along the old Bloomingdale road or Broadway, Union place and University place with double track, to Clinton place or Eighth street, along University place and Wooster street, with single track, to Canal street; along Canal street, with single track, to West Broadway; along West Broadway and College place, with single track, to Barclay street; along Barclay street, with single track, to Church street; thence along Barclay street, with double track, to Broadway; also, connecting with the double track in Barclay street, along Church street, with single track, to Canal street; along Canal street, with single track, to Greene street; along Greene street, with single track, to Clinton place or Eighth street; along Clinton place, with single track, to connect with double track in University place; thence to place of beginning; also, connecting with the double track in Seventh avenue at Broadway, along Seventh avenue, with double track, to Greenwich avenue; along Greenwich avenue, with double track, to and across Sixth avenue to Clinton place or Eighth street; along Clinton place, with double track, to Macdougall street, along Macdougall street, with

double track, to Fourth street; along Fourth street, with double track, to Thompson street; along Thompson street, with double track, to Canal street; along Canal street, with double track, to West Broadway; along West Broadway, with double track, to Chambers street; along West Broadway and College place, with single track, to Barclay street; along Barclay street to Broadway; returning through Barclay street and Church street to Chambers street; thence along Chambers street to West Broadway, to connect with the track in said street, and by the aforesaid route to the place of beginning; also connecting with the track in College place, along Park place, with double track, to Broadway; also, connecting with the track in West Broadway, along Duane street, with single track, to Church street; thence along Duane street, with double track, to Broadway; also connecting with the track in Thompson street, along Broome street, with double track, to Broadway; also connecting with the track in Union place, at Fourteenth street, along Fourteenth street, with double track, to Broadway, adjoining Union square; also connecting with the double track in Canal street, at Thompson street, along Canal street, with double track, to Varick street; and along Varick street with double track, to and to connect with the track in West Broadway, at Franklin street; together with the necessary connections, turnouts and switches for the proper working and accommodation of said railroad on said route or routes.

§ 2. Said railroad to be constructed on the most approved plan for the construction of city railroads,—to be run as often as the convenience of passengers may require,—and to be subject to such reasonable rules and regulations in respect thereto as the Common Council may from time to time by ordinance prescribe; and to the payment to the city of the same license fee annually for each car run thereon as is now paid by other city railroads

in said city; and said persons, etc., are authorized to charge the same rate of fare for conveyance of passengers as is now charged by other city railroads in said city.

§ 3. In the construction, operation, etc., of such railroad, should said persons, etc., deem it necessary or proper to run upon, intersect or use any portion of other railroad tracks now laid upon any of said streets, etc., they are authorized to run upon, etc., the same. If they cannot agree with the owner thereof respecting the compensation or payment to be made therefor, the amount of such compensation or payment shall be ascertained and determined in the manner provided by subdivision 6 of section 28 of the General Railroad Act of April 2d, 1850. Should any real estate or interest therein be required for the purpose of constructing said railroad on said route or routes for which said persons, etc., shall be unable to agree with the owner for the use or purchase thereof, they may acquire the right to use or title to the same, in the manner specified in sections 14 to 21 inclusive of said General Railroad Act of April 2d, 1850, except that in any proceeding for any of the purposes authorized by this section, it shall not be necessary that the petition to the Supreme Court shall make any allegations of or reference to any incorporation, capital stock, surveys or maps, or of the filing of any certificate of location. In all cases, the use of said streets, etc., for the purposes of said railroad, as herein authorized, shall be considered a public use consistent with the uses for which the corporation of said city holds said streets and avenues.

§ 4. The Mayor, Common Council and the several officers of the corporation of said city, and said corporation, are prohibited from giving any assent to, or allowing any company claiming to derive authority under the General Railroad Act of April 2d, 1850, or act amendatory thereof or in addition

thereto, to construct any railroad in or upon any or either of said streets, etc., and from doing any other act to hinder, delay or obstruct the construction or operation of said railroad as herein authorized. It is the duty of the Mayor, Common Council and other officers to do such acts within their respective departments, as may be needful to promote the construction, and protect the operation of said railroad as provided in this law. Any act or thing done in violation hereof shall be inoperative and void. All actions relating to, affecting, or arising under this act, or the authority herein given, shall be commenced in the Supreme Court of the First Judicial District.

Nothing contained in this section shall be deemed or held to impair the rights of any railroad now in operation in said city.

§ 5. Provisions of law inconsistent with this act repealed.

§ 6. Act to take effect immediately.

See chap. 500, Laws of 1866.

" " 904, " " 1877.

1860. Chap. 514, p. 1046.

Passed April 17th; notwithstanding the objections of the Governor.

AN ACT to authorize the construction of a railroad in Fourteenth street, and in other streets and avenues of the City of New York.

§ 1. Stephen R. Roe and others and their assigns, authorized to lay, operate, etc., a railroad with double or single track, as hereinafter provided, and to convey passengers thereon, for compensation, through, along, etc., the following streets, etc., in the City of New York, viz.: Commencing at the intersection of Fourteenth street with Elev-

enth avenue; thence along Fourteenth street, with double track, to Hudson street; along Hudson street, with double track, to Troy street; along Troy street, with single track, to Fourth street; along Fourth street, with single track, to Macdougall street; along Macdougall street, with single track, to Bleecker street; along Bleecker street; with double track, to Crosby street; along Crosby street, with double track, to Howard street; along Howard street, with double track, to Elm street; along Elm street, with double track, to Leonard street; thence along Elm street, with single track, to Reade street; along Reade street, with single track, to Centre street; along Centre street, Chat-ham street and Park Row, with double track, to Broadway; also, connecting with double track in Centre street, at Reade street, along Centre street with single track, to Leonard street; along Leonard street, with single track, to connect with double track in Elm street; also, connecting with double track in Hudson street, at Troy street, along Hudson street, with single track, to southerly end of Abingdon square and Bleecker street; thence along Bleecker street, with single track, to Macdougall street, there to connect with double track in Bleecker street; also, connecting with double track in Park Row, along Beekman street, with single track, to South street; thence along South street, with single track, to Fulton street; thence along Fulton street, with single track, to William street; thence along William street, with single track, to Ann street; along Ann street, with single track, to connect with double track in Park Row at Broadway; also, connecting with double track in Elm street, along Canal street, with double track, to Broadway; also, with double track, connecting with double track, in Fourteenth street, along Eleventh and Twelfth avenues to Thirty-second street; also, connecting with double track in Canal street at Elm street, along Canal street with double track, to the Bowery; along Bowery and New

Bowery, with double track, to Pearl street; along Pearl street, with double track, to Peck slip; along Peck slip, with double track, to South street; along South street, with double track, to Fulton ferry; thence along Fulton street, with double track, to Water street; along Water street, with double track, to connect with said double track in Peck slip; together with the necessary connections, turnouts, etc., for the proper working and accommodation of the road on said route or routes.

§ 2. The railroad to be constructed on the most approved plan for the construction of city railroads, to be run as often as the convenience of passengers may require, to be subject to such reasonable rules and regulations in respect thereto as the Common Council of the City may from time to time by ordinance prescribe; and to payment to the city of same license fee annually for each car run thereon as is now paid by other city railroads in said city. Said persons etc. authorized to charge same rate of fare for passengers on said railroad as is now charged by other city railroads in said city.

§ 3. In the construction, operation etc. of such railroad, should such persons etc., deem it necessary or proper to run upon, etc. any portion of other railroad tracks now laid upon any of the streets or avenues above named, they are authorized so to do. In case they cannot agree with the owner or owners thereof respecting the compensation or payment to be made therefor, the amount of such compensation or payment shall be ascertained and determined in the manner provided by subdivision 6 of the 28th section of the General Railroad Act of April 2, 1850. Should any real estate or interest therein be required for the purpose of constructing said road as above specified, for which the above-named persons etc., shall be unable to agree with the owner or owners for the

use or purchase thereof, they may acquire the right to use, or title to same, in the manner specified in sections 14 to 21, inclusive, of said General Railroad Act, except that in any proceedings for any purpose authorized by this section, it shall not be necessary that the petition to the Supreme Court make any allegations of, or refer to any incorporation, capital stock, surveys or maps, or of the filing of any certificate of location. But, in all cases, the use of said streets etc. for the purposes of said railroad, as herein authorized, shall be considered a public use consistent with the uses for which the corporation of the city holds said streets etc.

§ 4. The Mayor, Common Council and the several officers of the corporation of said city, and said corporation, are prohibited from giving any assent to, or allowing any company claiming to derive authority under said General Railroad Act, or Act amendatory thereof, or any addition thereto, to construct any railroad in or upon any or either of said streets etc., and from doing any other act to hinder, delay, etc., the construction or operation of said railroad as herein authorized. It is made the duty of said Mayor, Common Council and other officers to do such acts, within their respective departments, as may be needful to promote the construction and protect the operation of said railroad, as provided in this law. Anything done in violation hereof to be inoperative and void. All actions relating to, affecting, or arising under this act, or the authority herein given, to be commenced in the Supreme Court, First Judicial District. Nothing in this section contained to be deemed to impair the rights of any railroad now in operation in said city.

§ 5. All inconsistent provisions of law repealed.

§ 6. Act takes effect immediately.

1860. Chap. 515, p. 1050.

Passed April 17th; notwithstanding the objections of the Governor.

AN ACT to authorize the construction of a railroad in Tenth avenue, Forty-second street, and certain other avenues and streets of the City of New York.

§ 1. John C. Conover and others and their assigns, authorized to lay, operate, etc., a railroad, with double or single track, as hereinafter provided, and to convey passengers thereon for compensation, through, etc., the following streets, etc., in the City of New York, viz :

Commencing at the ferry at the western end of Forty-second street; thence along Forty-second street, with double track, to Tenth avenue; along Tenth avenue, with double track, to Thirty-fourth street; along Thirty-Fourth street, with double track, to Broadway; along Broadway, with double track, to Twenty-third street; along Twenty-third street, with double track, to Fourth avenue; along Fourth avenue and Union place, with double track, to Fourteenth street; along Fourteenth street, with double track, to Avenue A; along Avenue A, with double track, to Second street; thence along Avenue A, with single track, to First street; through First street, Hudson [Houston?] street, with single track, to Cannon street; along Cannon street, with single track, to Grand street; along Grand street, with single track, to Goerck street; thence along Grand street, with double track, to the ferry at foot of Grand street, East River; thence returning along Grand street, to Goerck street; along Goerck street, with single track, to Houston street; along Houston street, and Second street, with single track, to and to connect with double track in Avenue A, and thence along aforesaid route to the place of beginning; with the necessary connections, etc., for the proper working and accommodation of the road on the said route.

42d st +
10th 1.2

§ 2. The road shall be constructed on the most approved plan for the construction of city railroads, be run as often as convenience of passengers may require, and be subject to such reasonable rules and regulations in respect thereto as the Common Council may from time to time by ordinance prescribe; and to the payment to the city of the same license fee annually for each car run thereon as is now paid by other city railroads in said city; and said persons, etc., are authorized to charge the same rate of fare for passengers as is now charged by other city railroads in said city.

§ 3. In the construction, operation, etc., of said road, upon the above designated route or routes, should such persons, etc., deem it necessary or proper to run upon, use, etc., any portion of other railroad tracks now laid on any of said streets, etc., they are authorized so to do. In case they cannot agree with the owner or owners thereof respecting the compensation or payment to be made therefor, the amount of such compensation or payment shall be ascertained, etc., in manner provided by subdivision 6, of section 28 of the General Railroad Act of April 2, 1850. Should any real estate or interest therein be required for purpose of constructing said road as above authorized, for which the persons above named, etc., shall be unable to agree with the owner or owners for the use or purchase thereof, they may acquire the right to use, or title to same, in the manner specified in sections 14 to 21 inclusive of said General Railroad Act of April 2, 1850, except that in any proceeding for any purpose authorized by this section, it shall not be necessary that the petition to the Court shall make any allegations of, or refer to any incorporation, capital stock, surveys or maps, or of the filing of any certificate of location. In all cases the use of said streets, etc., for the purposes of said road, as herein authorized, shall be considered a

public use consistent with the uses for which the corporation of the city holds said streets, etc.

§ 4. The Mayor, Common Council and several officers of the City Corporation, and the said corporation, are prohibited from giving assent to, or allowing any company claiming to derive authority under the said General Railroad Act or act amendatory thereof, or in addition thereto, to construct any railroad in or upon any of the said streets, etc., and from doing any other act to hinder, etc., the construction or operation of said railroad as herein authorized. It is the duty of the Mayor, Common Council and other officers to do such acts, within their respective departments, as may be needful to promote the construction and protect the operation of said road as provided in this law. Any act or thing done in violation hereof to be inoperative and void. Actions relating to, affecting, or arising under this act, or the authority herein given, shall be commenced in the Supreme Court, First Judicial District. Nothing in this section contained to be deemed or held to impair the rights of any railroad now in operation in said city.

§ 5. Inconsistent provisions of law repealed.

§ 6. Act takes effect immediately.

1862. Chap. 398, p. 726.

Passed April 21st.

AN ACT to amend "An Act to Incorporate the Harlem Stage and Ferry Company of the City of New York." Passed April 17, 1860.

§ 1. First subdivision of the 6th section of the above mentioned act is amended to read as follows :

1st. Also to run boats on the Hudson River, from some point about the foot of Chambers street, touching at such points as may be selected by said directors along the easterly shore of the river, with the authority and consent of such parties as may be interested in those several points, landing at the foot of One Hundred and Thirtieth street; and to run said boats from said One Hundred and Thirtieth street back to said point about the foot of Chambers street, making the landings aforesaid.

§ 2. The second subdivision of said 6th section is amended to read as follows :

2d. To build, etc., and run a line of stages from said ferry at the foot of One Hundred and Thirtieth street, or the point where said street would be when cut through from Ninth avenue to the river, and along said river up to Manhattan street and through Manhattan street, One Hundred and Twenty-fifth street and Third avenue to Harlem Bridge, and return by same route to said ferry at the foot of One Hundred and Thirtieth street.

§ 3. The third subdivision of said 6th section is amended to read as follows :

3rd. To build, etc., suitable ferry houses, gates, piers and wharves, as may be necessary for the business and object of said company, and to purchase, hold, etc., horses, omnibuses and all other property necessary for the conducting and management of said stages and ferries; also to buy, build, hold and keep all such real estate as may be purchased for the aforesaid purposes, including stables and depots and all such other property as shall be required in the management and conduct of said business.

§ 4. Amend such section by adding subdivisions as follows:

4th. The company shall have power to establish and charge such prices, fares and rates as to them shall seem fair and reasonable for the conveyance and transportation of passengers, stock, goods, etc., across and upon said ferry, or upon said line of stages, which shall be subject to be regulated according to the by-laws of said company.

5th. Nothing in this act or in the act amended, to be construed to take away, destroy, or impair any of the rights, franchises, etc., owned, held or enjoyed by the City of New York in their corporate capacity by charter or otherwise.

Amends chap. 475 of 1860.

1863. Chap. 361, p. 603.

Passed May 2d.

AN ACT to authorize the construction of a railway and tracks, in the towns of West Farms and Morrisania.

§ 1. It shall be lawful for George W. Devoe and others, and those now or hereafter associated with them; shall have the exclusive right to lay double track on the centre of Boston Post Road, and to use and operate the same, commencing at or near the termination of Harlem or Cole's bridge, on Westchester side, running along said road to a point where it intersects Fordham avenue; thence along the avenue by single or double track, with necessary turnouts, to the Kings Bridge road; thence along same to the Harlem railroad, at or near its Fordham depot.

§ 2. The cars used to be drawn only by animals.

§ 3. The rails laid to be of the most approved pattern (such as used on Philadelphia City rail-

roads,) weighing not less than thirty pounds a yard. Between tracks and between rails to be macadamized and kept in good repair, and the road on each side of the rails, to a distance of six feet outside of outer rail, to be paved with Belgian or other approved pavement, or macadamized and kept in good repair. Rails to be laid so as not to obstruct the carriage travel, and the grantees shall best conform their tracks to the grades of the roads as they now are or may be changed by the authorities of the town.

§ 4. The road shall be completed from its commencement at Harlem Bridge to Eighth Street, Morrisiana, in six months; thence to Fordham depot in twelve months from the passage of this act. If the said corporation be delayed in commencing or completing the road by any cause other than its own act, the time of such delays shall not be included in said period.

§ 5. The passenger fare from Harlem bridge to Eighth Street, West Farms, to be no more than five cents; from Harlem bridge to Tremont no more than eight cents; nor more than ten cents for the entire distance.

§ 6. The grantees above named, etc., are empowered to issue bonds or obligations for the construction etc., of said road, to the amount of one-half of the capital stock necessary for such purposes.

§ 7. Said grantees etc. are required, within two months after the passage of this act, to organize under the General Railroad Act of April 2d 1850; such corporation when formed, shall have the powers and be subject to all the provisions of said act not inconsistent herewith except the following sections or any modification of them, viz.: 27, 31, 34 (so far as it relates to the transportation of

property), 37, 38, 39, 40, and 44, except also as to the number of associates and amount of capital stock to be subscribed, as required by the first and second sections of said act. Said corporation shall make an annual report to the State Engineer and Surveyor of its business and in such manner and form as he shall require.

§ 8. The corporation as formed is required to make reasonable compensation to the owner or proprietor of the Union Stage Line, McGough Independent Stage Line, by reason of the purchase of the same, or damages, by reason of the laying of said track to this line; and for such purpose the corporation or the grantees herein, &c., shall appoint one disinterested party, the owner of the stage line another, and these two shall agree upon the amount to be paid the owners of said stage lines. If said parties fail to agree on the price to be paid by the parties herein, the appraisers shall choose a third party, and a decision of a majority of them shall be final and binding upon the corporation and the proprietor of the stage lines. The stages to be run by the proprietor until the completion and operation of the road as far as Eight street, Morrisania.

§ 9. The corporation so formed is authorized to lay railway tracks at the termination of its road at Fordham or at any other convenient point, by the most feasible route, to the village of West Farms, thence to the village of Westchester, and thence to the village of Mt. Vernon, in the towns of West and East Chester; and said roads may be operated by dummy engines. Bridges crossing navigable streams, for the use of said railroads, shall be constructed with sufficient and proper draws, provided the consent in writing shall first be obtained from the Supervisor and Commissioner of Highways of the respective towns, before constructing either of the roads provided for in this section.

§10. This act takes effect immediately.

Amended Chap. 715 of 1865, Chap. 815 of 1866, Chap. 892 of 1867, Chap. 658 of 1871, Chap. 553 of 1874, Chap. 295 of 1875.

1863. Chap. 499, p. 858.

Passed May 5th.

AN ACT to establish and continue a ferry from Mott Haven, in the County of Westchester, to the foot of Tenth street and Peck Slip, in the City of New York.

§ 1. Declares it lawful for Jordan L. Mott and others, their heirs and assigns, to establish and maintain a ferry from Wilson or Mott's docks, at Mott Haven, to the foot of Tenth street, and to Peck Slip, New York City, during twenty-five years after the passage of this Act, provided that nothing herein contained shall interfere with the rights of the corporation of the City of New York, or of any lessee of any ferry leased by them.

§ 2. The above-named persons, their heirs or assigns, shall, within eighteen months after the passage of this act, place and at all times thereafter maintain, one or more good, &c., steam ferry boats for the safe conveyance of passengers, &c., &c., between the places aforesaid, with safe and skillful attendants.

§ 3. The ferriage not to exceed seven cents each passenger; the rates for transportation of freight not to exceed those now charged by the Harlem Steam Navigation Company.

§ 4. Act takes effect immediately.

1864. Chap. 462, p. 1096.

Passed April 30th.

AN ACT for the relief of the Peoples' Gas Light Company of New York City.

§ 1. Said company authorized to increase the number of directors, for the first year, from five to seven. The two additional directors shall be chosen by the present Board or a majority of them. A vacancy happening among said directors for the first year shall be filled for the remainder of the year by such person or persons as the Board, or a majority, shall elect for that purpose.

§ 2. The capital stock of the company, fixed by the certificate of incorporation, shall all be paid in, one-half within one year, and the other half within two years from the passage of this act.

§ 3. The company shall be entitled in New York City to all the rights, etc., and subject to all the restrictions, except as modified by this act, contained in the "Act to authorize the formation of Gas Light Companies," passed February 16, 1848, and the acts supplementary thereto or amendatory thereof.

§ 4. Act takes effect immediately.

1865. Chap. 246, p. 393.

Passed March 29th.

AN ACT in relation to employees on railroads in this State.

§ 1. The owner of any railroad in this State may employ any inhabitant of the State, of the age of

twenty-one years as driver, conductor, or in any other capacity, notwithstanding any law, etc., of any officer or municipality, or of the Common Council or government of any city or county of the contrary.

§ 2. Act takes effect immediately.

1865. Chap. 249, p. 395.

Passed March 30th.

AN ACT to create a Metropolitan Fire District and establish a Fire Department therein.

§ 15. (p. 400.) The aforesaid officers and men with their apparatus, when on duty, shall have the right of way at any fire and in any highway, street, etc., over any and all vehicles, except those carrying the United States mail. Any person in or upon or owning any vehicle, who shall refuse such right of way, or in any way obstruct any fire apparatus or any of said officers while in performance of duty, is guilty of a misdemeanor and liable to punishment for the same.

Ch. 593 of 1886, repeals from words " any person " to end of section.

1865. Chap. 560, p. 1127.

Passed April 24th.

AN ACT concerning a steam ferry from the vicinity of Canal street, North River, in the City of New York, to the vicinity of Hoboken, on the Jersey shore.

§ 1. Perry C. Smith and others are constituted a body corporate by the name, etc., of "The Peo-

"ples' Ferry Company of the City of New York," under the laws of the State, for the purpose of establishing a steam ferry, to ply between that city and the shores of the State of New Jersey, as above set forth.

§ 2. Immediately after the passage of this act, said corporators shall proceed to organize, and as soon thereafter as may be shall procure a boat or boats, and landing places in the City of New York, at a place in the vicinity of Canal street, and the boats shall be run at suitable times day and night to a point in the immediate vicinity of Hoboken.

§ 3. The company shall provide safe and suitable boats, with capacity to accommodate foot passengers, horses and vehicles, within six months from the date of the passage of this act.

§ 4. The company shall be amenable to the laws of this State, in respect to ferry companies, and shall comply with all the provisions of said laws, both in respect to its organization and working operations.

§ 5. The proper authorities of New York City may lease to said company any slip or slips in said city under their charge, not now occupied or leased in the vicinity of Canal street, in the manner now provided by law for the purposes of landing and taking up passengers, in accordance with the intention of this act.

§ 6. The company shall not charge a greater rate of fare than is now, or may hereafter be charged by ferry companies plying between the North River shores, New York, and the Jersey shore.

§ 7. The capital stock of the company shall be five hundred thousand dollars; the grant or charter hereby conferred to be held and enjoyed by said corporation not exceeding fifty years.

§ 8. Act takes effect immediately.

1865. Chap. 715, p. 1427.

Passed May 12th.

AN ACT to amend an act entitled “An Act to
“authorize the construction of a railway
“and tracks in the towns of West Farms and
“Morrisania.”

§ 1. Section two of the above entitled act is amended to read as follows:

The cars to be used on said road shall be operated by dummy engines or horse power.

§ 2. Section nine of the said act is amended to read as follows:

The corporation formed under this act is authorized to lay railway tracks at the termination of its road at Fordham, or at any other convenient point by the most feasible highway to the village of West Farms, thence to the village of Westchester, thence to the village of Mt. Vernon. Bridges crossing navigable streams for the use of said railroads shall be constructed with sufficient and proper draws, provided the consent in writing shall be first obtained from the Supervisor and Commissioner of Highways of the respective towns before constructing either of the roads provided for in this section.

§ 3. Act takes effect immediately.

Amends Ch. 361 of 1863. See Ch. 815 of 1866, Ch. 892 of 1867, Ch. 658 of 1871, Ch. 517 of 1873.

1865. Chap. 757, p. 1496.

Passed May 18th.

AN ACT to establish a steam ferry between the City of Brooklyn and Mott Haven, in Westchester County.

§ 1. It shall be lawful for Henry Dater and others, their heirs and assigns, to establish and maintain a ferry from some point in Brooklyn to some convenient point on the Harlem River, in Westchester County, with the privilege of landing at Eighty-sixth street and Peck Slip in the City of New York.

§ 2. Said corporators, etc., shall place on said route, and at all times thereafter keep and maintain one or more good etc. steam ferry boats for the safe conveyance of passengers and their baggage, etc., between the aforesaid places, with safe and skillful persons to attend the same; and make not less than three trips each way daily.

§ 3. The rates of ferriage shall not exceed ten cents for each passenger, and the rates for freight shall not exceed those charged by the Harlem Steam Navigation Company.

§ 4. This act not to be construed as a private grant, and to be at all times subject to amendment or repeal.

§ 5. Act takes effect immediately.

Amended Ch. 891 of 1867.

Revised and Continued Ch. 846 of 1869.

1865. Chap. 759, p. 1503.

Passed June 5th.

AN ACT to authorize the formation of a Metropolitan Public Conveyance Company.

§ 1. William A. Wheeler and others, their successors and assigns, are authorized to associate themselves together for the purpose of forming a metropolitan public conveyance company for the metropolitan police district of the State of New York. The Company, when formed, to be a body politic and corporate, by the name of the metropolitan public conveyance company and to possess the powers, etc., hereinafter specified, which are hereby granted to them, and to be subject to the provisions of chapter 18, part 1 of the Revised Statutes, so far as applicable.

The stockholders of said company shall be severally individually liable to the creditors of the company to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by the company, until the whole amount of the capital stock of the company shall have been paid in.

§ 2. Said company, when formed as above provided, is authorized to keep and employ such conveyances as may be necessary for the accomodation of the public, in conveying passengers, etc., to and from any point within said district, at a rate not exceeding twenty-five cents for any distance not exceeding three miles, and twenty-five cents for every additional mile for each passenger so conveyed; at the same rates for each box, trunk or package of merchandise so conveyed, when said package or article shall weigh more than twenty and not exceeding two hundred pounds, except the baggage or packages carried in the hands of pas-

sengers shall go free. For passengers under twelve years of age the company shall not charge more than fifteen cents per mile. For children under five years of age no charge shall be made. The company is required to keep and run so many carriages, etc., as may be necessary for the accommodation of the public in the conveyance of passengers and baggage from steamboat and railway stations, by steam railroads, to any other place in the said metropolitan district, at the rates before mentioned, except that the rate of fare for any number of passengers, not more than four, to Brooklyn and Manhattanville, shall not be more than three dollars.

§ 3. The employees and agents of the company have the right to enter cars and steamboats going from or coming to said district in the transaction of their business, as solicitors for, or carriers of, passengers and baggage, upon paying the usual fare for the distance travelled by them, and may perform the business appertaining to their employment without hindrance on the part of the railroad or steamboat employees, and may at seasonable hours, enter the public halls or entrances of any hotel, steamboat landings, or railroad depots in said district, to deliver passengers and baggage, or to solicit the same for carriage. But said agent or employee shall not be permitted to enter any hotel, etc., for the purpose of soliciting or delivering, etc., within said district, without first being duly licensed and authorized by the Board of Police Commissioners of said district, who are hereby authorized and required to issue licenses and grant authority on the written application of the president or secretary of said company, provided said Board shall be satisfied that the applicant for such license is a proper person to exercise the privileges hereby conferred. The charge for said licenses shall be ten dollars each, and two dollars and fifty cents annually for the renewal thereof, and they

may be revoked for misconduct. Said Board shall designate proper places as stands for the vehicles of said company, and may make such rules and regulations for the government of said agents and vehicles as the comfort, etc., of the travelling public may require. The moneys received for licenses shall be paid over semi-annually to the treasurer of the Fire Department Fund of said district for the benefit thereof. Any persons violating any provision of this section is deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars, or imprisonment not less than five nor more than thirty days, or by both, in the discretion of the Court. The Mayors of New York and Brooklyn are authorized and required, from time to time, to issue licenses for the carriages and other vehicles of said company, upon its application, at the same sums now or hereafter required for the license of hackney coaches, carriages and other vehicles. License to be renewed annually, and the carriages and other vehicles to be numbered in accordance with the ordinances of said cities; baggage and parcel wagons licenses not to exceed that charged for ordinary carts.

§ 4. The company or its agents shall not demand or receive any larger sum or sums than above specified, under the penalty of ten dollars for each offense, to be sued for and recovered from the company by and for the party aggrieved. The suit may be brought in any Court of Record within the judicial district in which the plaintiff resides, and no motion for a change of venue shall be entertained by the Court having cognizance thereof. A card containing the rates of fare, name of the company, the street and number of their office, and the number of the license of the vehicle, shall be fixed in every passenger vehicle used by the company, so that the same can be conveniently read by the passenger. The name of the company

shall be plainly lettered in a conspicuous place on the outside of each vehicle.

§ 5. When at least twenty per cent. thereon shall have been paid in, on ten days' notice given by a majority of the persons named in the first section of this act, a meeting of the stockholders shall be held for the election of directors of said company. The number of directors not to exceed eleven. Said directors shall at all times be stockholders of this company, and from among the persons named in the first section of this act, shall be directors with full power until others are elected by the stockholders. Election to be by ballot, each stockholder being entitled, in person or by proxy, to one vote on each share of stock held by him. The directors so elected are empowered to manage and direct the business of the company, and make all proper rules and regulations thereto appertaining. They shall elect from their number a president and treasurer of the company, and said directors shall hold office one year and until others are elected in their places. All future elections of directors shall be annually by ballot, as above provided, upon such days as shall hereafter be named in the by-laws of the company.

§ 6. Licenses for carriages, vehicles and drivers, to expire on the first Monday of June next after the date thereof. Every license shall state the number of the stage, etc., for which the same is granted. It shall be renewed annually under penalty of twenty-five dollars for each offense on a vehicle, and five dollars for each offense on the drivers. The Superintendent of Hackney Coaches of the cities of New York and Brooklyn, or other persons duly authorized by the Mayors thereof, shall, at all reasonable hours, have access to all vehicles, horses, etc., of the company for inspection; and when either of the same are found unsafe, the same shall be withdrawn, if so directed by said superintendent, or other person, in writing.

§ 7. The company are authorized to purchase and hold real estate necessary for its own use for stables, etc., in the City of New York, or elsewhere, and at its option dispose of the same; and may issue their bonds, secured by mortgage, upon the property of the company, for the purchase or improvement of the same; and may dispose of such bonds at such rate as the directors may determine for the interest of the company.

§ 8. Any hotel keeper or employee of railroad, etc., refusing to grant employee or agent of the company any of the rights, etc., hereinbefore granted to them, may be sued by the company in any Court of Record in said cities, and upon judgment for plaintiff, the amount of damages shall be not exceeding one hundred dollars for each and every said refusal.

§ 9. Act takes effect immediately.

1865. Chap. 761, p. 1508.

Passed June 6th.

AN ACT to incorporate the Bay Side and New York Ferry Company.

§ 1. William Brown and others are constituted a body corporate by the above name.

§ 2. Capital stock two hundred and fifty thousand dollars; shares one hundred dollars each. Stock personal property, transferable on the books of the company. Company may increase the capital stock at any time to not exceeding one million dollars.

§ 3. The business of the company is to be managed by not more than twenty directors, stock-

holders, to be chosen annually by ballot, at a time and in a manner to be prescribed in the by-laws. Each stockholder is entitled to one vote, either in person or by proxy, on each share of stock held by him at least two weeks previous to the election.

§ 4. The directors shall appoint a president, secretary and such other officers as deemed necessary, and make, etc., such by-laws and regulations as they may deem proper for the management of the business and accomplishment of the purposes of the corporation.

§ 5. The first twenty persons named in the first section shall be the first directors, and shall hold office until the year 1866, and until others chosen in their places. Vacancies in the Board of Directors may be filled by the remaining directors until the same are filled by election of the stockholders. Directors, or any three of them selected by the directors for that purpose, shall be inspectors of elections. If an election shall not take place on day appointed, the corporation shall not be dissolved, but an election may be held on another day in such manner as shall be prescribed by the directors or provided in the by-laws.

§ 6. The company may commence business when fifty thousand dollars are subscribed and twenty thousand dollars paid in. The persons named above as directors for the first year shall be commissioners to receive subscriptions for the capital stock under such rules and regulations as a majority of them shall prescribe.

§ 7. Said corporation, or its assigns, is authorized :

1. To lease, purchase, build and run steam ferry boats from any point between Thirty-fifth and Forty-fifth streets, Brooklyn and New York City,

with the privilege of landing at such point as may be selected by the directors, at or near Van Brunt street, Brooklyn.

2. To lease, purchase, build, etc., such suitable boats, ferry houses, piers, etc., etc., as may be necessary for the business and to carry out the object of the company; also, to take by purchase or otherwise, hold and build upon such real estate as may be necessary for the business of said company. The company is authorized to dredge the land under water in front of its landings in Brooklyn, so as to make the same safe and convenient for the passage and landing of its boats, and to use the places so dredged.

3. The company is empowered to establish and charge such prices, fares and rates, as to them shall seem fair and reasonable.

4. If it be necessary for the company to procure the consent of any person or corporation for any franchise or interest belonging to such person or corporation, the company shall have power to procure the same, and nothing herein shall be so construed as to take away or impair any of the rights or franchises owned by said cities.

5. The company is authorized to issue bonds to aid in the construction and equipment of said ferry, under regulations to be prescribed by the directors, to an amount equal to the amount of capital paid in at the time of issuing such bonds, and to secure the same by mortgage on the real and personal property of the company.

6. Said corporation shall possess all the powers and be subject to the provisions of title three, chapter 18, part one, of the Revised Statutes, so far as same are applicable, and not otherwise provided for in this act.

§ 8. Each stockholder to be personally liable for any liability of the corporation, to the extent of any amount that may remain unpaid, on the par value of the stock held by him.

§ 9. The corporation may sue and be sued in any court of this State.

§ 10. Act takes effect immediately.

Amended Chap. 506 of 1868.

1866. Chap. 500, p. 1106.

Passed April 11th.

AN ACT to change the route of the Broadway and Seventh Avenue Railroad Company, in the City of New York.

§ 1. Said company is authorized to change that branch of its route now running by double track through Fourth and Thompson streets, as authorized by chapter 513, Laws 1860, so as to run its road through Fourth and Thompson streets to Canal street, on a single track, and to run its road by single track from the present track in Macdougall street, through Macdougall, Amity, Sullivan and Canal streets, to connect with its track in Canal street, and to continue such change until Thompson street shall be widened in the manner provided by law.

§ 2. If in making the change, it be necessary for the company to acquire any interest in any real estate, for the purpose of constructing its road over said route as authorized so to be changed, proceedings for the purpose may be taken in the manner provided in the Act, chapter 513, Laws of 1860; and the several other provisions of said act

shall apply to and extend to the new route herein provided for.

§ 3. Said company is required to take up one of its tracks in Thompson street and to remove its single track to the middle of said street, and shall make the change authorized by this act on or before December 1, 1866.

§ 4. Act takes immediate effect.

Amends Ch. 513, Laws 1860.

Amended Ch. 904 of 1867.

1866. Chap. 651, p. 1406.

Passed April 17th.

AN ACT to incorporate the New York Mutual Gas Light Company.

§ 1. Henry Shubart and others, their associates and successors, are created a body politic and corporate with perpetual succession, under the name and style of "The New York Mutual Gas Light Company," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded in their corporate name; may have and use a common seal and alter the same at pleasure, and by the name and style aforesaid shall have full power and authority to manufacture, sell, etc., gas, to be made of wood, coals, oil, tar, peat, pitch, turpentine, slate or other materials, and to light any part of New York City, except such parts as any other person etc. may now possess exclusive right to light, and the streets, buildings, etc., in such places not so excepted; to enter into etc. contracts, etc. in relation to the objects of this incorporation, and of enforcing the same; and be capable of purchasing etc. any estate or property, real or personal, as

shall be necessary to effect the purposes of this incorporation or for the accommodation of their business concerns, provided that no public street etc. in the city shall be dug into etc, without permission of the municipal authority thereof first obtained; provided that such permission of the municipal authority shall not be required if the majority of the owners in interest, of the property immediately adjoining the part of the street etc. so dug into etc. shall give consent thereto in writing.

§ 2. The capital stock shall be \$500,000, increasable by vote of the directors and with consent of the owners of two-thirds of the stock to one million of dollars, the shares shall be ten dollars each, and the directors of the company may purchase property necessary for its business, and issue stock to the amount of the value thereof in payment therefor. The stock so issued shall be declared and taken to be full stock not liable to further calls. In all statements and reports of the company to be published, this stock shall not be stated or reported as being issued for cash paid into the company, but shall be reported in this respect according to the fact.

§ 3. The stock, property and concerns of said company shall be managed by sixteen directors, and Henry Shubart, etc. (15 others named), shall be directors for the first year and until others are chosen in their places.

§ 4. Whenever the profits earned, after deducting all expenses and all necessary outlays for labor and materials used in carrying on and extending the business, shall exceed in any one year ten per cent. upon the whole capital stock, the excess over said sum of ten per cent. shall be divided, one-half between the consumers of the gas furnished by the company, *pro rata*, according to the amount con-

sumed by them respectively; and the other half shall be paid as a dividend to such owners and holders of the stock as may be consumers of the gas furnished by the company, provided that no individual holder or owner of the stock shall be entitled to or receive nor shall there be paid to him a dividend on more than fifty shares of the stock.

§ 5. The company shall be subject to all the provisions, duties, etc., contained in, and shall be entitled to all the privileges conferred by "An Act to authorize the formation of gas light companies," passed February 16, 1848, and the acts amendatory thereof and additional thereto, except that all acts and parts of acts inconsistent with the previous four sections are repealed and declared inoperative so far as the same are applicable to this act.

§ 6. In case the directors of this corporation shall consolidate with, or transfer the franchise hereby granted to any of the organized gas companies of said city, the directors voting for such consolidation or transfer, shall be deemed guilty of misdemeanor, and on conviction be punished by imprisonment not less than six nor more than twelve months.

§ 7. Act takes effect immediately.

See Ch. 154 of 1868.

Amended Ch. 755 of 1869.

1866. Chap. 687, p. 1470.

Passed April 19th.

AN ACT to incorporate the New York Steam Transit Company.

§ 1. William A. Parker and others, their successors and associates, are created a body corpor-

ate by the above name, for the purpose of establishing a steam ferry to transport passengers and freight from Harlem, on the East River, by the way of the East and North Rivers, to Spuyten Duyvil on the North River, Westchester County, and to and from any intermediate points in New York City, which shall not be less than four on the East River side, and not less than six on the North River side; and the corporation may by vote of a majority of the directors, extend its trips north-erly to Yonkers, in Westchester County.

§ 2. The capital stock of the company shall be five hundred thousand dollars, divided into shares of fifty dollars each, which may be increased from time to time, by the assent of a majority of the stockholders, to not exceeding one million dollars. The company to be deemed fully organized when fifty thousand dollars of the capital stock shall have been subscribed and paid in in cash. The persons named in the first section to be directors for the first year, or until others are chosen in their places.

§ 3. The corporation empowered to charge such rates of fare as to them shall be reasonable for the conveyance of passengers on said ferry not exceeding thirty cents for each passenger over the whole route.

§ 4. If it shall be necessary for said company to procure the consent of any person, etc., for any franchise or interest belonging to said person, etc., the company is empowered to procure the same and the proper authorities of New York City may lease to said company any slip in said city under their charge along the line of said route, for the purpose of landing and taking up passengers and freight.

§ 5. Said corporation is entitled to the privileges

and subject to the restrictions and conditions contained in the statutes of this State relating to ferry companies, except as hereinbefore provided.

§ 6. Each stockholder personally liable for the debts of the corporation to an amount equal to the amount of stock held by him, and also liable for laborers' wages, whenever judgment obtained against the corporation and execution thereon returned unsatisfied.

§ 7. The corporation shall place on such route and at all times maintain, one or more good, etc., steam ferry boats, for the accommodation and safe conveyance of passengers, etc., with safe and skillful persons to attend the same.

§ 8. Act takes effect immediately.

Amended Ch. 448 of 1867.

1866. Chap. 763, p. 1651.

Passed April 23d.

**AN ACT to incorporate "The Harlem River and
"Port Chester Railroad Company."**

§ 1. It shall be lawful for Gouverneur M. Wilkins and others and their associates, when duly formed into a corporation, under and pursuant to the General Railroad Act of April 2, 1850, except as hereinafter provided, to construct, etc., a railroad with all necessary depots, etc., from some point at or near Byram River, at the Village of Port Chester, Town of Rye, Westchester County, to the Harlem River, in said County, passing through or near the Towns or Villages of Port Chester, Rye, Milton, Mamaronec, Chatsworth, New Rochelle, East Chester, Pelham, Westchester, West Farms and Morrisania, and touching in

its course, points easily accessible from Rye Neck, Delancey Neck, City Island, David's Island, Hart Island and Throgg's Neck ; such road to be laid out on the most eligible route to accommodate passengers and freight to and from said towns, etc. Such corporation, when formed, may take and appropriate private property for the construction and maintenance of said road, under and in pursuance and in manner as by said act provided.

§ 2. The road may be operated by any motive power.

§ 3. Whenever it shall be necessary in the construction of said road, to intersect or cross any stream of water, navigable or otherwise, or any road or highway, it shall be lawful to construct the road across or on the same, but only in such manner as not to impair the usefulness of such stream of water, road, etc. ; and whenever it may be necessary to cross any navigable stream, etc., or road, etc., the corporation shall construct and maintain substantial bridges with draws, and viaducts with proper openings, over and across the same, whenever the same may be necessary.

§ 4. The above-named corporators are authorized to open books of subscription to the capital stock of the corporation to be formed as provided above, at such time and place as they may think proper, and may continue to receive subscriptions until the sum of one million dollars shall be subscribed ; such subscriptions may be for cash, or for such real or personal estate or property, or work as may be made available in building said road, upon such terms and conditions as may be mutually agreed upon by the corporators and the subscribers. Such property subscriptions shall not be taken for more than the fair value of the property subscribed, taking said stock at par.

§ 5. Whenever one thousand dollars per mile shall be subscribed and ten per cent. thereon paid in cash, the corporators may call a meeting of the subscribers to organize said corporation, and choose directors and officers for the ensuing year. Said meeting shall be in the Village of Westchester, twenty days' notice shall be given of the time and place of meeting, by publication in the county paper. The corporators shall appoint tellers at the first election of directors, and each share shall be entitled to one vote. Directors when chosen shall appoint one of their number President, and may appoint a Secretary, Treasurer and such other officers and agents as the by-laws of the company shall prescribe.

§ 6. All the powers conferred by this Act on the corporators named in Section 1 shall vest in and be conferred on the directors elected by the stockholders; until such election the persons named in section 1 shall be directors of the company, and they shall make all such by-laws, etc., and appoint and employ such officers, agents, etc., as they may deem necessary and expedient in carrying out the objects of this incorporation.

§ 7. The corporation may take and hold by grant, gift or purchase, any personal property or real estate necessary for the construction of said road, and such other real estate lying in the towns, etc., through which the route of the road shall be located, and which the directors may deem necessary or expedient for said company; and may sell, lease, convey in any trust, or mortgage any of its lands or effects, as the directors may deem advisable, for the purposes aforesaid; and may borrow such sums of money as may be necessary for completing or operating their railroad, and to issue and dispose of their bonds for any amount so borrowed, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by

the company for the purposes aforesaid; and the directors may confer on any holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon, into stock of the company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors may see fit to adopt. Five years after the passage of the act is granted the corporation to build and complete said road.

§ 8. But nothing herein contained shall confer any power on the corporation herein named to take or use any lawn, garden or pleasure grounds belonging to any person. Nor shall they have the power so to do.

§ 9. Act takes immediate effect.

Amended Ch. 722 of 1869, Ch. 605 of 1871, Ch. 48 of 1873.

1866. Chap. 815, p. 1789

Passed April 26th.

AN ACT to amend chapter three hundred and sixty-one of the laws of eighteen hundred and sixty-three, entitled "An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania," passed May 7, eighteen hundred and sixty-three.

§ 1. Section three of said act is amended by adding to the end thereof the following words:

The rails laid on the road shall be of the most approved pattern, not less than thirty pounds to the yard. Between the tracks and between the rails the road shall be macadamized or paved, and kept in good repair by the company; whenever the

authorities of either of said towns shall decide upon paving with Belgian or other approved pavement, the road or avenue upon which the rails of the company are now laid, one-sixth of the cost of such paving shall, on the completion thereof, be paid by the company to the proper authorities of said towns, or either of said towns.

§ 2. The Legislature may at any time alter, amend or repeal this act.

§ 3. Act takes effect immediately.

Amended Ch. 361 of 1863.

See Ch. 715 of 1865, Ch. 892 of 1867, Ch. 658 of 1871, Ch. 517 of 1873.

1866. Chap. 866, p. 2000.

Passed May 1st.

AN ACT to authorize the construction and use of a single railroad track in Essex and certain other streets of the City of New York, and to require the removal and abandonment of use of a single track in Clinton and certain other streets of said city, in lieu thereof.

§ 1. The owners of the railroad tracks in Clinton street are authorized to lay, operate, etc., a single railroad track from Avenue B through Second street to Avenue A, and through Avenue A, Essex street, and Rutgers street to East Broadway; also from Avenue D across Houston street, through and along Columbia street to Grand street, together with the necessary crossings of intermediate streets, connections, turnouts, etc., for the proper and convenient working of said tracks, in connection with those now operated by them in said city.

§ 2. Upon the completion of the track in Columbia street, and its connections as herein authorized, the owners thereof shall immediately stop the running of their cars in Goerck street, and on the completion of the remaining tracks as herein authorized, and within one year from the time this act shall take effect, said company shall abandon the use of, and remove one of their tracks in Avenue B and Clinton street, from Second street to East Broadway, it being expressly stipulated and understood that the rights herein granted for the construction and use of single tracks in Essex and other streets above named, and the connections therewith are granted, and the said tracks are to be constructed and used by the owners thereof in lieu of one of the tracks now constructed and operated in Clinton street and the track in Goerck street.

1866. Chap. 868, p. 2003.

Passed May 1st.

AN ACT to authorize the Dry Dock, East Broadway and Battery Railroad Company to extend their railroad tracks, and to authorize the Ninth Avenue Railroad Company to use a portion thereof.

§ 1. The Dry Dock, East Broadway and Battery Railroad Company is authorized to extend its tracks, with a double track from Greenwich street through Desbrosses street to the North River, and with double track from Greenwich street through Cortlandt street to the North River, and through Fulton street to Broadway, with a single track from Washington street to Greenwich street, and a double track from Greenwich street to Broadway, together with the necessary connections, etc., for the proper working of such extensions and con-

necting the same with the tracks in Greenwich and Washington streets.

§ 2. The Ninth Avenue Railroad Company shall have an equal right with the above mentioned company to use the extension above authorized, upon paying or offering to pay to the last named corporation the yearly interest on one-half the cost of the construction of said extensions, and on paying from time to time towards the repairs of said extensions a sum which shall be in proportion to the number of cars they shall run thereon, as compared with the number of cars run thereon by said Dry Dock, etc., Company, and if said extensions are not constructed within six months from the date of the passage of this act, by the first mentioned company, the said Ninth Avenue Company is authorized to construct the same, in which case the Dry Dock, etc., Company shall have the right to use the said extensions, on paying or offering to pay to the Ninth Avenue Company the cost of repairs, and the yearly interest on one-half the cost of construction, upon similar terms to those above provided between the two aforesaid corporations.

§ 3. Nothing herein contained shall authorize any increase of fare by either of said companies, or additional compensation of any description by reason of the extension granted by this act.

§ 4. Act takes effect immediately.

1866. Chap. 883, p. 2083.

Passed May 10.

AN ACT to authorize the extension of railroad tracks in Grand street and certain other streets in the City of New York.

§ 1. The Dry Dock, East Broadway and Battery Railroad Company is authorized to extend its tracks by the construction of a double track from the junction of East Broadway and Grand street, through Grand street to Sullivan street, through Sullivan street to Canal street, through and across Canal street to Vestry street, and through Vestry street to the North River, together with the necessary connections, etc., for the proper working of such extension and connecting the same with the tracks now laid etc. in Grand, Greenwich and Washington streets. Provided, however, that before constructing such extension, the said railroad company shall be required to purchase the horses, stages etc. now used by the Telegraph Stage Company, in running a line of stages to and from Grand street ferry, through Grand street, Broadway and certain other streets, provided the stage company elect to sell the same, and notify the President of the railroad company of their desire to do so within one month after the passage of this act. If the parties cannot agree on the price to be paid for said stage property, or on some equitable mode of determining the same, either party may apply to the Supreme Court of the First District for the appointment of three commissioners at the joint expense of both parties, to appraise the value of said property and determine the price to be paid therefor, said award to be final and binding on both parties, except that the stage company, if it shall desire so to do, may then withdraw its offer to sell said property; but should the stage company not elect to sell the same, or withdraw their offer as

aforesaid, it shall not affect the right of said railroad company to extend its tracks as herein authorized, but it is empowered to construct, equip and operate said extension in such way and manner as shall best promote the accommodation of the public, and to run cars thereon as often as public convenience may require, but should such stage property be purchased by said railroad company, the stages shall be entirely withdrawn from the route now traversed thereby.

§ 2. Said railroad company is required to so construct, operate etc. said extension, within one year from the time they shall have the right to construct the same, or the authority therein granted shall be void and of no effect.

§ 3. For the purpose of facilitating the construction and operation of said extension, the New York and Harlem Railroad Company is authorized to extend its tracks along Centre and Marion streets to Prince, and along Prince or Spring street to the Bowery, connecting the same with its present tracks therein, provided the Dry Dock etc. company shall avail itself of the privileges granted by this act to run in and through that portion of Grand street between Centre street and the Bowery.

§ 4. For the conveyance of each passenger to or from Grand street ferry, over said extension, or any portion thereof, said Dry Dock etc. company shall receive not to exceed five cents, and it shall be required to carry passengers over the same, to or from any other portion of their route run in connection therewith, without charging or receiving any increase over their present rate of fare.

§ 5. The Legislature may repeal etc. this act at any time.

§ 6. If the Dry Dock etc. Company accept this franchise, and lay and operate said extension, it

shall yearly pay to New York City five per cent. of the net proceeds of the cars run thereon, the amount of which shall be determined by the sworn statement of the president and treasurer of said company.

§ 7. All acts and parts of acts inconsistent with the provisions of this act are repealed, so far as they conflict therewith.

§ 8 Act takes effect immediately.

1867. Chap. 237, p. 405.

Passed April 3d.

AN ACT to authorize the Third Avenue Railroad Company to lay a switch in One Hundred and Thirtieth street.

§ 1. Said company authorized to connect its tracks on Third avenue with its present depot grounds on One Hundred and Thirtieth street by not to exceed two tracks on the street, for a distance not exceeding 150 feet.

§ 2. Act takes effect immediately.

1867. Chap. 290, p. 577.

Passed April 9th.

AN ACT to authorize the Towns of Morrisania and West Farms to widen, make, extend, and improve a highway in said towns to be called "the Southern Boulevard."

§ 1. It shall be lawful for Morrisania to raise by loan \$3,500, and West Farms \$6,500, which sums shall be appropriated to making, grading, etc., a

road or highway in said towns; commencing at the end of the New Harlem Bridge; running thence easterly to Mill Brook; thence to Home avenue; thence to the junction of Beach and Division avenues in Wilton; thence through East Morrisania to the line of lands formerly of Philip Dater; thence to the road leading from West Farms to Hunt's Point between the residences of William S. Brown and William Simpson; thence to the new road leading from the Bronx Bleach Works to Fordham; thence to Central avenue. Said road to be laid out and built upon such route between said points as the Commissioners for laying out, etc., the same, hereinafter appointed, shall select and determine upon. Said Commissioners may adopt such portion of the present highways, roads, etc., public or private, as they may elect, or may make such deviations therefrom as in their judgment shall best serve the interest of the public.

§ 24. Said road when constructed shall be maintained for the public use as an avenue and boulevard; and except for the purpose of crossing the same no railway or tramway shall be laid on any part thereof, without a special act of the Legislature for that purpose; and in case the Legislature shall at any future time grant to any person or corporation the right to construct any rail or tramway on any part of said road, nothing herein contained shall be construed to affect the rights of the several owners of lands which shall be taken for laying out the road hereby authorized, to recover from such person or corporation the full value of all the land taken from such owner or owners for the road hereby authorized to be constructed, to the same extent as if no such road had ever been laid out on said lands, and without any deduction for any supposed benefit to said lands to arise from the construction of such rail or tramway. Such ownership and claim for com-

pensation by reason thereof are to apply as well to the roads, &c., which have been heretofore laid out and dedicated to the public by the owners of the adjacent lands and taken as part of the road hereby authorized, as to lands so taken over which no roads have heretofore been laid out or opened.

§ 25. Act takes immediate effect.

Amended Ch. 804 of 1869. See § 9.

1867. Chap. 448, p. 1063.

Passed April 19th.

AN ACT to amend an Act, entitled " An Act to incorporate the New York Steam Transit Company," passed April 19, 1866.

§ 1. The third section of said act is amended to read as follows:

§ 3. Said corporation shall have power to establish and charge such rates of fare as to them shall be reasonable for conveyance of passengers on said ferry, not exceeding fifty cents for each passenger over the whole route.

Amends Ch. 687 of 1866.

1867. Chap. 489, p. 1271.

Passed April 22d.

AN ACT to provide for the construction of an experimental line of railway in the Counties of New York and Westchester.

§ 1. The West Side and Yonkers Patent Railway Company, a corporation organized under the

provisions of the General Railway Act of April 2d, 1850, and of the acts amendatory or supplementary thereof, is authorized to commence and proceed with the construction of an elevated (so-called) railway in said counties in the manner and upon the route hereafter specified.

§ 2. Said railway shall be operated exclusively by means of propelling cables attached to stationary engines, placed beneath or beyond the surface of any street through which such railway may pass, and shall be concealed from view so far as the same may be detrimental to the ordinary uses of said streets. The structure shall consist of a single track upon which the cars are to be moved in contrary directions upon opposite sides of the streets, which track shall not exceed five feet in width between centre of rails, and shall be supported by a series of iron columns not exceeding eighteen inches diameter at surface of pavement or equivalent space (if in an elliptical form), placed at intervals of not less than twenty feet (except at street crossings and sidings), along the curbstone line between the side walk and carriage way, and attached at their upper extremities to the track aforesaid so that the center of the track shall be perpendicular to the center of the columns, and at a distance not less than fourteen feet above the surface of the pavement. Whenever deemed necessary to prevent oscillation of the track aforesaid a second series of columns may be extended on the building side of the sidewalk, at intervals of not less than twenty feet, which shall not be more than nine inches in diameter at surface of pavement, and shall be so placed as not to obstruct any existing door or window without consent of the owner, and from the upper extremity of which braces or girders may be extended to the first series of columns mentioned for purposes aforesaid.

§ 3. Said company is empowered to commence the construction of an elevated railway as aforesaid, at the southerly extremity of Greenwich street, near Battery place, and extend the same northerly along Greenwich street half a mile. At or near the center of same shall be placed a stationary engine, which shall be constructed to operate a series of two lengths of propelling cable, extending about a fourth of a mile northerly and a fourth of a mile southerly, and put the same in practical operation as contemplated by said company, with a car placed on said track loaded to a weight of at least three times the ordinary weight of a passenger car proposed to be used thereon with its occupants. When said experimental section shall be in readiness within the time herein mentioned, the Commissioners hereafter mentioned shall proceed to inspect said railroad, its structures and operating machinery. On due inspection and examination if said Commissioners shall approve of the structures, plan, &c., of said elevated railway, and find that the same can be operated with safety and dispatch, then said Commissioners shall certify to such facts, and cause a copy of their certificate of approval to be signed in duplicate, and one copy sent to the Governor, who, on approving the same, shall cause it to be filed in the office of the Secretary of State, and a certified copy transmitted to the Mayor, and thereupon said company shall be authorized to extend the line of said railway northerly as hereinafter provided. But in case said Commissioners shall not approve of said railway and its plan of construction and operation; they shall in like manner sign a certificate of the facts, with an order for the removal of said railway indorsed thereon, which shall be sent to the Governor, and when approved by him, filed with the Secretary of State and a certified copy sent to the Mayor, and thereupon the constructing company shall proceed immediately to remove the structure, and shall replace the streets and side-

walks in the same condition as before its erection, and in default of so doing the corporate authorities of the city may cause the same to be done at the expense of the company.

§ 4. Upon the compliance of said company with the requirements of the preceding sections, and upon the filing of the certificate of the Commissioners approved as aforesaid in proof of the same, said company is authorized to extend its line of elevated (so-called) railway as aforesaid along both sides of Greenwich street to Ninth avenue, and along both sides of Ninth avenue, or streets west of Ninth avenue, to Harlem River.

§ 5. There shall be three Commissioners, two appointed by and continued at the pleasure of the Governor and one by the Croton Aqueduct Board, whose duty it shall be to cause the inspection of said railway and filing of certificates thereof, as before mentioned, and who shall have power, in case of the extension of the line of railway as specified, to authorize the constructing company to remove any obstructions which may exist along its route, and to direct as to the removal and replacement of awning frames, signs, etc., heretofore permitted in the streets, along which the railway is to pass. They may designate the points at which staircases may be erected for public access in the streets to said railway, and where "turn-outs" and connecting tracks between the two tracks along the route may be erected. Said Commissioners may also limit the speed to a maximum rate comfortable with public safety, at which cars may be propelled on said railway, and may prohibit the erection of any structure in the public streets by said constructing company, which shall be unsafe or unauthorized by this act. Their compensation shall be paid by the said company at the rate of ten dollars per each day of such official service, as sworn to by them and approved by the Gover-

nor. A majority of the Commissioners shall be competent to act in all cases.

§ 6. The said constructing company may excavate the spaces required for the foundations of its columns, and for vaults for its engines and connecting pipes and cables within the streets indicated. It shall be a misdemeanor to interfere therewith, provided that no public pipes or sewers shall be disturbed, except under the direction of said Commissioners, with the approval of the Croton Aqueduct Board or its official successors, and that the surface of the streets shall be restored to its original condition without unnecessary delay; and provided that if private vaults or improvements are interfered with or occupied by said company, compensation therefor shall be paid by said company to the owner thereof as hereinafter provided; and the use of such railway in said streets is declared a public use, and consistent with the uses for which the Mayor etc. hold the same. The filing of maps and profiles of the route herein referred to in the County Clerk's office and proceedings thereon, is dispensed with.

§ 7. It shall be lawful for said constructing company to rent, purchase or acquire such buildings or parts thereof as may be convenient for the stations or depots for public access to the contemplated railway, and to hold such real estate and personal property as may be deemed desirable in the location of said route and prosecution of the business connected with said railway, but shall be subject to the liabilities and enjoy the privileges mentioned in the acts before mentioned, granting corporate powers, not inconsistent with the provisions of this act, and any private property used or acquired shall be compensated for by said company under provisions of existing laws, authorizing the formation of railroad companies, and the acquisition of rights of way therefor. Said com-

pany may connect with its track on the northern side of Harlem River by means of a steam ferry or otherwise, in such manner as the Commissioners aforesaid may approve.

§ 8. Said company shall be authorized to demand and receive from each passenger within the limits of the city rates of fare not exceeding, for any distance less than two miles, five cents; for every mile or fractional part thereof in addition thereto, one cent. Provided that when said railway is completed and in operation between Battery Place and the vicinity of Harlem River, said company may, at its option, adopt a uniform rate not exceeding ten cents for any distance on Manhattan Island, and may also collect said last named rate for a period of five years from and after the passage of this act.

§ 9. The company shall pay a sum of five per cent. of the net income of the railway from passenger traffic on Manhattan Island, into the City Treasury, in such manner as the Legislature may hereafter direct, as a compensation to the city corporation for the use of said streets.

§ 10. The company shall construct said experimental section within one year from the passage of this act (legal delays excepted), and complete the extension thereof as authorized herein, so far as comprised in the limits of the city, within five years thereafter.

§ 11. Said company shall be liable for and pay all damages which may result to private property or the owners thereof by reason of the construction of said road; and before entering on the construction of said road beyond the said experimental section, said company shall file with the Comptroller of the State their bond, with sufficient surety, to be

approved by the Governor, in the penal sum of \$500,000, conditioned for the payment of all such damages as may result from the construction of such road; provided that all applications for injunctions in any matter relating to said railway shall be made only to the Supreme Court.

§ 12. Act may be amended, altered or repealed at the pleasure of the Legislature.

Act 13. Takes effect immediately.

Amended Ch. 855 of 1868.

See Ch. 595 of 1875, Ch. 554 of 1885.

1867. Chap, 706 P. 1780.

Passed April 24th.

AN ACT to construct a railroad from Hudson River Railroad at Spuyten Duyvil to the East River at Port Morris.

§ 1. Gouverneur Morris and others, and their associates, are authorized to form a corporation, under the provisions of the General Railroad Act of April 2, 1850, and the acts amendatory, for the purpose of constructing a railroad with single or double tracks, as above, crossing and intersecting with the New York and Harlem Railroad, with a branch to Long Island Sound, in the town of Westchester, said road to be constructed across the Island of New York in such a manner as not to interfere with the present location of the Harlem River Canal, and upon a line to be approved by the Commissioners of Central Park, but in no case to be located south of a direct line in continuation of Inwood street to Harlem River. The bridges over Harlem River, and other navigable streams, to be constructed with draws of the

most approved plan and of sufficient width for the use of all vessels navigating such streams, said draws to be maintained and operated at the company's expense, and to be open at all times when requested by persons navigating the streams. No bridges to be built over the Harlem River half a mile south of Farmers' Bridge.

§ 2. In all cases where the right of way is donated for said road, along the Harlem River, they shall construct side or spur tracks to any wharf built on the remainder of such land, at the request of the donator of said right of way, his heirs or assigns; provided the branch tracks shall not be called for oftener than once in two hundred feet, nor exceed one thousand feet in the aggregate, and receive and deliver freight to and from such track.

§ 3. They shall on completion of the road, run passenger trains, connecting at the point of junction, with all way passenger trains on the Harlem Railroad to and from New York.

§ 4. Act takes effect immediately.

1867. Chap. 806, p. 1993.

Passed April 25th.

AN ACT to enable the Board of Supervisors of the County of New York to raise money by tax for certain county purposes; to extend the powers of the Metropolitan Police, and to provide for the auditing and payment of unsettled claims against the said county.

§ 12. (P. 2001). The Board of Metropolitan Police is invested with and shall exercise all the powers, and perform all the duties now conferred by laws

and ordinances upon the Mayor, the Common Council and all other officers and boards (except the Metropolitan Board of Health) of the city in respect to * * hackney coaches and carriages, and the owners and drivers thereof, omnibuses and omnibus drivers, cars and car drivers, etc., etc., to the same extent and with like effect as though said Board of Metropolitan Police was named in such laws and ordinances instead of said Mayor, etc. Such investiture of powers and duties excludes that of said Mayor, etc. It shall not be lawful for said Board of Police nor any other board, etc., to grant permits, nor shall any be granted to occupy or obstruct streets, etc. The powers and duties shall be exercised by the board through such officers and members of the police as it shall designate. All ordinances in relation to the persons, matters, etc., in this section mentioned shall remain in full force and effect except as affected, etc., by this act until altered, etc.; and the Board of Metropolitan Police is authorized to alter, etc., the same.

§ 13. All license and other fees and all fines and penalties payable by and collected from such * *
 * * owners and drivers of coaches, carriages, omnibuses, cars, * * * shall be received by and collected in the name of the Board of Metropolitan Police and paid into the City Sinking Fund, monthly, for the purpose of aiding in the reduction of the city debt.

Repealed Ch. 537 of 1881.

1867. Chap. 880, p. 2205.

Passed May 10th.

AN ACT for the protection of persons traveling upon Fourth avenue, in the City of New York.

§ 1. The New York and Harlem Railroad Company shall within two years construct up to the grade of said avenue a substantial stone or brick wall with suitable coping upon each side of its road on a line not exceeding twenty-six feet in the clear at any point of measurement below the tunnel at Ninety-second street, and from the north side of Seventy-ninth street to the south side of Eighty-eighth street, where the road-bed is below the grade of the avenue, and where the same is not covered, and also within said period erect on said wall (except at street crossings where bridges are or shall be constructed) a substantial iron fence for the protection of persons using the avenue, said wall and fence to be finished and constructed, as shall be approved by the engineer of the Croton Aqueduct Board. The wall shall extend as high above the grade of the avenue as the engineer shall direct, and the railing shall be not less than three feet high; one-half of the wall in lineal feet shall be constructed in one year from the passage of the act; the balance in two years.

§ 2. Within such two years said company shall construct and complete an arch of masonry work over its track, in Fourth avenue from the south line of Eighty-eighth street, to and connecting with the rock cut on Ninety-second street. The arch to be constructed of such material, thickness, strength, and in such manner in all respects as said engineer shall prescribe. Whenever the company shall have expended \$25,000 in the prosecu-

tion of the work, and shall produce to the Comptroller of the city said engineer's certificate to that effect, the Comptroller shall draw his warrant in favor of the company on the city treasury, and deliver it to the company for the sum of \$12,500, and so on from time to time as often as the said company shall have expended a like sum of \$25,000, and shall produce a like certificate, said Comptroller shall draw a like warrant and deliver it to the company for a like sum. When the company shall have fully completed the arch to the full satisfaction and approval of said engineer, and shall produce his certificate to that effect and of the last instalment expended by the company in such construction to said Comptroller, the said Comptroller shall draw his warrant in favor of the company and deliver the same to the company for one-half the amount of such last instalment. The warrant shall be paid out of any moneys in the city treasury raised and appropriated for roads and avenues. The construction of the arch shall be commenced on or before July 1st next, and half shall be completed in one year from such day, the balance in two years from the passage of this act. Nothing in this act shall be construed to oblige the company to fill in and grade and level over and about the arch, but that shall be done by the City Corporation.

§ 3. It shall be the duty of the city authorities now vested with the power of regulating and grading the streets, etc., to regulate and put in good condition said avenue, and fill in the spaces behind said walls as rapidly as they shall be constructed by said company.

§ 4. For failure to comply with any of the provisions of this act, the company is liable to a penalty of \$200 for each and every day its failure shall continue, unless said engineer shall certify that the company has used due diligence in prosecuting

the work, which penalty, with costs, shall be sued for by the District Attorney of New York County, in the name of the People, in any court of record in said county; and the penalty when recovered shall be paid by such District Attorney, one-half to the informer, the other half to the Commissioners of Charities and Correction to be used by them in manner for the benefit, etc.

§ 5. Nothing herein contained shall be construed as extending or increasing the rights of said company or depriving the Common Council of the City of any powers now possessed by it, except as specially herein provided.

§ 6. The Legislature may amend or repeal this act.

§ 7. Act takes immediate effect.

Amended Ch. 225 of 1871.

Repealed Ch. 537 of 1881.

1867. Chap. 891, p. 2226.

Passed May 11th.

AN ACT in relation to the Mott Haven ferry, authorized by chapter 757 of the Laws of 1865, and to limit the capital thereof.

§ 1. The corporation created by said act shall not have a capital exceeding one million dollars, nor shall said corporation commence operating its ferry until ten per cent. of the capital stock, determined upon by its by-laws, shall have been subscribed and fully paid in; with these exceptions, said corporation is empowered to make all proper by-laws for the management of its affairs.

§ 2. Sections one and two of said act are amended

by striking out the words "their heirs and assigns" therein, and inserting in lieu thereof the words "their successors and assigns;" and section one is further amended by adding after the words "City of New York," the words "and at such other streets as the public convenience may require."

§. 3. Nothing in this or the amended act shall authorize the grantees or corporators in said acts named, their successors or assigns, to establish or maintain a ferry from the foot of Fulton street, Brooklyn, or from the slip, dock, etc., occupied by the Union Ferry Company, or the Brooklyn City Railroad Company. Nor shall anything in said acts be construed as giving any right to use any pier, etc., without the consent of the owner or lessee thereof, nor as giving any power to increase the rates of ferriage beyond those established in said amended act.

§ 4. The Legislature may alter, amend, etc., this act.

§ 5. Act takes immediate effect.

Amends Ch. 757 of 1865.

Revised and continued Ch. 846 of 1869.

1867. Chap. 892, p. 2228.

Passed May 11th.

AN ACT to amend an act entitled "An Act to Authorize the Construction of a Railway and Tracks in the Towns of West Farms and Morrisania, passed May 2d, 1863."

§ 1. Section 5 of said act is amended to read as follows:

§ 5. No more than six cents shall be charged for the transportation of a passenger from Harlem Bridge to the northerly boundary of the Town of

Morrisania; nor more than eight cents from Harlem bridge to Locust avenue, Tremont; nor more than ten cents from Harlem Bridge to the terminus of the road at Fordham.

§ 2. Section 9 of said act is amended to read as follows:

§ 9. The corporation formed under this act is authorized to lay and operate railway tracks along 138th street, in Morrisania, to Port Morris, and along William, Grove, Butternut and Cedar streets and River avenue, in Morrisania, and across Cromwell's Creek, to the Village of Highbridgeville, said railway track not to be laid upon or along any part of Central avenue, except across the same, and along the Boston Post Road to the village of West Farms and the village of Westchester, in the town of Westchester. The cars on the railroad hereby extended shall only be drawn by animals, unless otherwise assented to in writing by the majority of the owners of real estate on said extension.

Amends Ch. 361 of 1863. See Ch. 715 of 1865, Ch. 815 of 1866, Ch. 658 of 1871, Ch. 517 of 1873.

1867. Chap. 904, p. 9252.

Passed May 18th.

AN ACT to amend Chapter 500 of the Laws of 1866, entitled "An act to change the route of the Broadway and Seventh Avenue Railroad Company in the City of New York."

§ 1. Section one of said act is amended by adding thereto: Provided, that in the operation of the single track through McDougal street, the said company shall run its cars on the same track and in the same direction as the cars of the Bleeker

street and Fulton Ferry Railroad Company now run.

§ 2. The third section of said act is amended by striking out at the end thereof the words "on or before December 1st, 1866," and inserting in lieu thereof, the following: "within six months from the time they have the right, and are at liberty to operate the tracks authorized in the first section of this act."

§ 3. Act takes effect immediately.

See Ch. 513 of 1860.

1868. Chap. 154, p. 268.

Passed April 7th.

AN ACT in relation to the New York Mutual Gas Light Company, incorporated by an Act entitled "An Act to incorporate the New York " Mutual Gas Light Company," passed April 17, eighteen hundred and sixty-six.

§ 1. Said company shall be subject to all the provisions, duties, and obligations contained in, and entitled to all the benefits and privileges conferred by, the 20th, 21st and 22d sections of the act to authorize the formation of gas light companies, passed February 16, 1848.

§ 2. Said company may organize and commence the transaction of its business at any time within three years from the date of its incorporation.

§ 3. The provisions of the act incorporating said company are continued in force, except so far as is inconsistent with this act. Nothing in this act contained shall, nor shall any action of said company or its stockholders under the first section of

this act, be construed to affect or repeal the 6th section of said incorporating act, but said 6th section is continued in force until expressly and in terms repealed.

§ 4. Act takes immediate effect.

See chap. 651, Laws of 1866.

" " 755, " " 1869.

1868. Chap. 230, p. 464.

Passed April 17th.

AN ACT to incorporate the New York City Central Underground Railway Company, and to authorize the said company to construct and operate a certain underground railway in the City of New York.

§ 1. W. Butler Duncan, William B. Ogden, George Griswold, James Boorman Johnston, George D. Cragin and others are created a body corporate and politic by the name of "The New York City Central Underground Railway Company." Term of continuance one hundred years from the passage of this act,—location New York City,—capital stock ten million dollars,—number of shares, one hundred thousand,—one hundred dollars each.

§ 2. The business and offices of said corporation shall be managed by a board of thirteen directors, elected annually by the stockholders, and the first election of directors shall be held in New York City within three months after the passage of this act, the day and place thereof shall be determined by the first five named corporators, who shall give notice thereof to each of the other incorporators herein named, by notice delivered at, or mailed to, their respective places of abode or business, at least twenty days prior to the time of such elec-

tion, and such corporators shall attend in person, or by proxy, shall appoint two tellers to conduct the election and declare the result, and the directors thus chosen shall hold office for one year, and until others are chosen in their places.

§ 3. Said corporation shall possess all the powers and privileges, and be subject to all the provisions of the General Railroad Act of April 2, 1850, and the several acts amendatory thereof, and additional thereto, except so far as those provisions are modified by or inconsistent with the provisions of this act; and said corporation may make, construct, and maintain a tunnel, and construct, operate, and use therein a double track railway, and the necessary sidings and convey passengers, freight and property, in cars propelled by steam or other power, for compensation, under and through the soil beneath certain streets, squares, etc., in New York City, as hereinafter specified; but said corporation shall have no right to acquire the use or occupancy of any of the streets or public places in New York City under the provisions of said acts, or by any agreement or grant of the city authorities, except such use or occupancy as is granted or provided for in this act, and except such temporary rights and privileges, during the period of constructing such tunnel, etc., as the proper authorities may grant to said company to facilitate such construction.

§ 4. The tunnel etc. hereby authorized shall follow, as near as possible, the line of the streets, courses, etc., named: Commencing at a point on the easterly line of Broadway, in City Hall Park, and northerly of the projected southerly line of Park Place; thence easterly, and underground, passing in front of the old City Hall, southerly of the flagging in front of the same, and northerly of the proposed general Post Office, curving to the left, passing westerly of the Comptroller's office

and southerly of the Superior Court building, corner of Chambers and Centre streets, to Centre street; thence under and across Centre street to City Hall Place; easterly under City Hall Place to Pearl street; across Pearl street, and running northeasterly in a curved line to Mulberry street, at a point between Bayard and Park streets; northerly under Mulberry street to Bleecker; under and across Bleecker in a straight line, as near as practical, to Lafayette Place; northerly under Lafayette Place to Astor Place; under and across Astor Place and Eighth street to the northerly side of Eighth street; thence across the block between Eighth and Ninth streets, and easterly of St. Ann's church to Fourth avenue; thence northerly under the westerly side of Fourth avenue to Fourteenth street; under and across Fourteenth street and Fourth avenue to Union Square; northerly under Union Square to Seventeenth street; under and across Seventeenth street and through the blocks, as near as possible, in a direct line to twenty-third street; thence under Madison Square, or Madison avenue, to Twenty-sixth street; thence northerly under and across Twenty-sixth street to Madison avenue; under Madison avenue, as now opened, to Eighty-sixth street; thence under Madison avenue, as declared by Chapter 403 of the Laws of this State of 1867, to One Hundred and Twentieth street; thence northeasterly continuing the same line to Harlem River; thence easterly and westerly along Harlem River, and connecting with the Harlem bridge at the terminus of Third avenue. In case the lowness of the surface at any point north of Ninety-ninth street is such as to render the construction of a tunnel impracticable, said main line may be constructed and operated by an elevated or surface railway from Ninety-ninth street to and along Harlem River. Said corporation may make on said route the necessary connections, etc., and other conveniences for the

proper working and accommodation of said railway.

§ 5. For the purpose of making, etc., said tunnel and railway, said corporation may enter upon and underneath the several streets, etc., and public places and lands hereinbefore specified, and into and upon the soil of the same, to construct and maintain said tunnel and railway along the route, and to the points herein specified and contemplated, such tunnel and railway to be constructed in the most thorough manner and upon the most approved plans for lighting, ventilating and drainage, and of sufficient dimensions for the purposes of said railway, and for the convenience of the public travel, and at such depth below the surface and in such manner as effectually to prevent any interference with the surface of said streets, etc., or the use of the same, with such exceptions as are provided for in this act; except, also, that during the progress of construction it shall be lawful to make such excavations and openings in said streets, etc., under which said tunnel and railway shall be constructed, or over which said railway tracks shall be laid, as shall be necessary from time to time; and in all cases the surface and pavements of said streets, avenues, etc., over said tunnel and railway shall be restored to the condition in which they were before such excavations were made, as near as possible, and, if practical, half the width of said street shall be always kept open for public travel; but where excavations for the full width of such streets or avenues, shall be made, they shall not be oftener at any one time, nor more than one in each quarter mile of said route; nor shall they be more than two hundred and fifty feet in length in any one place, nor kept open longer than for a period of sixty days in any one place, except by consent in writing of the Street Commissioner. Said corporation may make, etc., openings for ventilation or light, extending from the tunnel to

the outer edges of the sidewalks of the streets or avenues, and to the surface of the squares in which said tunnel shall be constructed, and said openings shall not exceed two feet in width, except in public squares and parks, where said openings may be four feet by eight feet at any one point; said openings for ventilation in said parks and squares shall be covered with a cast-iron grating, said gratings shall not extend more than six inches above the surface of said squares or parks; and said company shall erect and maintain hollow iron pillars or columns of ornamental pattern, suitable for lamp-posts, which may be substituted for the posts now in use; said posts being provided with gas-pipes, burners and lanterns at the expense of said corporation. Said corporation shall be liable to the owner or lessee of any building or property along the route of said railway tunnel for any damages he shall sustain by reason of any direct injury caused thereto by the construction of such railway and tunnel.

§ 6. Said corporation shall have the right to acquire the title to, and hold such real estate or interest therein as may be necessary to enable it to construct and operate said tunnel, etc., and to construct and maintain the proper platforms, stations, and buildings of said corporation at such points along the route as may be most convenient and suitable for the ingress and egress of passengers and freight, and necessary for the operation of the railway, and for proper communication between said tunnel and platforms and said stations and buildings; and in case it cannot agree with the owner or owners of such real estate or interest for the purchase or use thereof, it may acquire the title to the same in the manner specified in the acts hereinbefore referred to, except in any of the proceedings for any of the purposes authorized by this section, it shall not be necessary that the petition to the Court make any allegation of or refer-

ence to any incorporations, capital stock, surveys, maps, or the filing of any certificate of location; but whenever it shall be necessary or convenient for said railway, turnouts, platforms, or stations, to take and use for the purposes of operating the same, any public grounds, parks or places, no compensation shall be awarded or demanded for the same, but in all cases the use of the aforesaid streets, grounds, public places, etc., and the right of way under and through the same, for the purpose of a tunnel and railway, as herein authorized and provided, shall be considered and is declared to be a public use, consistent with the uses for which the corporation of the City of New York holds said streets, avenues, and public places. No opening in any public grounds, parks or places, shall be more than five hundred feet long, nor more than one hundred feet wide.

§ 7. Said tunnel shall be constructed at such depth below the surface of the streets or avenues, as will avoid interference with or changes in the water mains of the Croton Aqueduct Board, except such changes as may be, in the opinion of the Chief Engineer of said Board, necessary for the proper construction of said railway, and for public convenience, and such necessary changes in said mains, and all changes, etc., which may be made necessary in the sewers by the construction of said tunnel and railway, shall be made under the direction and supervision of said Board, but at the cost of this corporation.

§ 8. Whenever the aforesaid route for the construction of said tunnel and railway shall intersect or cross or coincide with any horse railway tracks now occupying the surface of said streets and avenues, said horse railway tracks shall, if practicable, be carried over said openings upon temporary structures, which shall be so constructed as not to interfere with the practicable operation or working

of such street railways; and upon the completion of said tunnel and such portions of the route thereof where such changes of the horse railway tracks may be made, the same shall be restored, as near as practicable, to the condition in which they were previous to the construction of the tunnel; and all such bridges, structures, and restoration of tracks shall be made at the cost and charges of this corporation.

§ 9. Said tunnel and railway shall be exclusively for the uses and purposes of said railway company, and it shall not be lawful for any person, other than a public officer in execution of his duty as such, with his agents and assistants, to enter or pass through the same or any portion thereof on foot, or in any other way than in the proper cars of this corporation, provided for that purpose, without the consent of said corporation, under penalty of fifty dollars, to be recovered by this corporation. And the Mayor, Aldermen, Commonalty and officers of the corporation of the city are prohibited from giving permission to any other person, body or corporation to do any of the acts or things hereby authorized, or to hinder, delay or embarrass the construction or operation of such tunnel and railway, and other things, as herein authorized. But nothing herein shall prevent the said city corporation, or the officers of any department thereof, from entering the tunnel for the purpose of repairing or constructing any sewer or water main or other public work, or any gas company from laying or repairing its mains therein.

§ 10. Said corporation may receive for the transportation of passengers the following fares : for one person any distance under three miles, six cents, and for every mile or fraction thereof in addition, two cents, said rates to include government tax.

§ 11. Said corporation shall have stock subscriptions to the amount of three million dollars before commencing construction, and one year from the passage of this act within which to commence, and three years within which to complete said tunnel and railway to Forty-second street, and five years to complete the same to and along Harlem River, necessary and unavoidable delays from the pendency of legal proceedings against said corporation excepted; and no omission to construct any portion shall work a forfeiture of this franchise in respect to any section of said tunnel etc. which may have been commenced or completed.

§ 12. It is a condition of this grant that said company shall, before the first day of January next, deposit with the State Comptroller, three hundred thousand dollars in bonds of the United States, or of this State, as a pledge that they will commence the construction of said tunnel, etc., and complete the same within the time limited in this act, and upon completion of the same, in the time and manner herein provided, said Comptroller shall return said bonds, with the accumulations of interest thereon, to the company; but on failure either to commence or complete said tunnel and railway within the time and in manner aforesaid, said sum in bonds shall be forfeited to the Sinking Fund of the City of New York, and paid over to the Commissioners thereof. Before said company shall commence the construction of said tunnel etc., and on or before January first next, the company shall procure valid subscriptions to their stock, made by responsible parties, to the amount of three million dollars, and shall establish the fact of the validity of said subscriptions, and of the responsibility of the parties making the same, to the satisfaction of said Comptroller; whereupon a certificate to that effect shall be made by said Comptroller, and filed by him with the Secretary of State; and said certificate when so made shall

be the warrant of said company for commencing said work. In the event of the failure of the company to deposit said sum, and to procure the filing of said certificate of said Comptroller on or before the first of January next, as above provided, then and in either of said events this act shall cease, determine and become void.

§ 13. Said corporation may not receive or deliver freight within the lines of the public squares or parks named in this act.

§ 14. The directors are required to open books for subscription to the bonds or stock of said corporation, giving at least twenty days' notice, to be published in the *Tribune*, *World*, *Herald* and *Times*, of the place or places where said books shall be opened, that opportunity shall be given those who desire to subscribe for said stock, and said books shall be kept open at least thirty days, and in the event of a larger amount being subscribed than the capital stock of said corporation, then such subscriber shall be entitled to a *pro rata* number of shares of said stock as near as may be and in proportion to the amount so subscribed; but each subscriber shall, at the time of subscribing, pay to the treasurer five per cent. of the par value of each share so subscribed.

§ 15. The Legislature may at any time alter, amend, or repeal this act.

§ 16. Act takes immediate effect.

Amended, ch. 824 of 1869.

1868. Chap. 506, p. 1049.

Passed May 1st.

AN ACT to change the name of the Bayside and New York Ferry Company, and otherwise to amend the Act incorporating the same, passed June 6th, 1865.

§ 1. The name of the said company is changed to that of the Greenwood and New York Ferry Company.

§ 2. The sixth section of said act is amended to read as follows :

The persons made directors in pursuance of the third section of this act, shall be Commissioners to receive subscriptions for the capital stock of the company, and said company may commence business at any time within one year from the first of May, 1868.

§ 3. The seventh section of the act is amended so that said company may lease, purchase, build and run steam ferry-boats from any point between Twenty-fifth and Forty-fifth streets, Brooklyn.

§ 4. Act takes effect immediately.
See ch. 761 of 1865.

1868. Chap. 625, p. 1318.

Passed May 6th.

AN ACT to authorize the construction of a railroad in Avenue C, and other streets and avenues in the City of New York.

§ 1. Alfred B. Darling and others and their assigns are authorized to lay, etc., maintain and use

a railroad with double or single track as hereinafter provided, and convey passengers thereon, for compensation, through, upon, and along the following streets or avenues, route or routes, in New York City, namely: commencing at the intersection of Duane street with West street, thence along Duane street with double track to Greenwich street, thence with single track along Greenwich street, Charlton street, Prince street, upon and across the Bowery, along Stanton street, Pitt street, Avenue C, to Third street; thence along Avenue C, from Third street with double track to the northern extremity of said avenue; thence along Third street, connecting with the double track in Avenue C., with single track, to and along First avenue, East Houston street, across the Bowery to and along West Houston street, Washington street, and Duane street, connecting with the double track to the place of beginning, together with the necessary connections, turnouts, etc., for the proper working and accommodation of said road on said route or routes.

§ 2. Said railroad shall be constructed on the most approved plans for the construction of city railroads, with Philadelphia rail, and shall be run as often as the convenience of passengers may require, and shall be subject to such reasonable rules and regulations in respect thereto as the Common Council may from time to time by ordinance prescribe; and to the payment to the city of the same license fee, annually, for each car run thereon, as is now paid by other city railroads in said city; and said persons, etc., may charge the same rate of fare for passengers as is now charged by other city railroads in said city; and said persons, etc., shall pay to the city Sinking Fund Commissioners, one thousand dollars per annum, to be applied by them in the same manner as moneys received on account of rentals and leases.

§ 3. In the construction, use, etc., of such railroad on said routes, should said persons, etc., deem it necessary or proper to run upon, intersect or use any portion of other railroad tracks now laid on any of said streets, etc., they may so do, and in case they cannot agree with the owners thereof respecting the compensation or payment to be made therefor, then the amount of such compensation, etc., shall be ascertained and determined in the manner provided by subdivision 6 of section 28 of the General Railroad Act of April 2, 1850. The use of said streets, etc., for the purposes of said railroad as herein authorized, shall be considered a public use, consistent with the uses for which the city corporation shall hold said streets, etc. The expense of constructing the tracks in Greenwich and Washington streets, as herein authorized, shall be borne equally by said persons, etc., and any company now or hereafter authorized to construct a track therein, and thereupon said tracks shall be used in common by said persons, etc., and such company. Where a double track is now laid in any said avenue or street, nothing in this act contained shall be construed to authorize the laying of an additional track or tracks therein, the doing of which is prohibited. It is the duty of said company to keep its track clear of snow and ice.

§ 4. This act may at any time be amended, etc.

§ 5. All inconsistent provisions of law are hereby repealed.

§ 6. This act takes immediate effect.

Amended Ch. 19 of 1871.

1868. Chap. 819, p. 1892.

Passed May 14th.

AN ACT to regulate, grade, widen, macadamize and improve a public highway in the Towns of East Chester and Westchester, in the County of Westchester, commonly called the "Old White Plains Road," and also a portion of First street, in the Village of Mt. Vernon.

§ 1. Authorizes and requires said towns to regulate, open, widen, etc., said old White Plains Road (and all such lands as may be taken and required for such highway on the sides thereof), commencing at its intersection with the public road leading from the Village of West Farms to the Village of East Chester, at or near the house of Joseph Thwaites in the Town of Westchester, and thence running northerly by and with said road, through the towns of Westchester and East Chester to First street in the Village of Mt. Vernon, thence easterly by and with said First street to Fourth avenue, in said last named village.

§ 17. Said road, when completed, shall be kept and maintained for public use; no railway or tramway shall be laid or constructed thereon, or on any part thereof, by any persons or corporations whatsoever, without a special act of the Legislature for that purpose first obtained, and in case the Legislature shall at any future time grant, to any person or corporation, the right to construct any rail or tramway upon said road or any part thereof; nothing in this act contained shall be construed to affect or cut off the right of the several owners of lands, which shall be taken for laying out the road, hereby authorized, to claim and recover from such person, etc., the full value of all the land taken from such owner or owners, for the road hereby authorized to be constructed, to the

same extent as if no such road had ever been laid out on such lands, and without any deduction for any supposed benefit to said lands to arise from the construction of said rail or tramway.

Amended ch. 904 of 1869,

1868. Chap. 842, p. 1992.

Passed June 1st.

AN ACT to provide for the transmission of letters, packages and merchandise, in the Cities of New York and Brooklyn, and across the North and East Rivers by means of pneumatic tubes, to be constructed beneath the surface of the streets and public places in said cities, and under the waters of said rivers.

§ 1. Alfred E. Beach, Robert G. Hatfield, Horace T. Caswell, Nathan Kellog, Moses S. Beach, and others, and their assigns, may lay down, construct and maintain one or more pneumatic tubes in the soil beneath the streets, public places, etc., of New York and Brooklyn, and under the bed of the East River between said cities, and also under the bed of the North River, from New York City to the shore of New Jersey, but at such depth as not to interfere with navigation; and convey letters, packages, mails, etc., in and through said tubes, for compensation, by means of vehicles to be operated therein by a pneumatic system of propulsion; and that the public convenience may be promoted in the operation of said vehicles, said persons etc. are authorized and required to erect, upon the sidewalks of said streets, etc., suitable ornamental lamp-post boxes, pillars or receptacles, not exceeding thirty inches in diameter, connected with said tubes, for the deposit of letters, parcels, etc., to be

transmitted therein; provided that said tubes shall not extend through any vault nor under any sidewalk fronting on private property, without consent of, and compensation to the owner of such private property, to be ascertained and determined, in case the parties cannot agree, in the manner provided by the General Railroad Act, Chapter 140 of the Laws of 1850; and the use of said streets, etc., and the soil beneath the surface thereof, as so authorized and provided for, is declared to be a public use thereof, consistent with the uses for which the said respective cities, or the corporate authorities thereof, hold said streets, etc.; provided, further, that the persons in this section named, or their assigns, shall first lay down and construct one line of said pneumatic tubes from the post office in Nassau street, northwardly, not extending above Fourteenth street, which shall be put in successful working operation, and continue so for three months, and a certificate to that effect made by the postmaster, for the time being, of New York City, and the Mayor and Comptroller of said city or a majority of them, shall be filed in the office of the Secretary of State, before proceeding to lay down, etc., any other lines of such pneumatic tubes as hereinbefore authorized.

§ 2. Said tubes shall have a mean interior diameter of not exceeding 54 inches, and in New York City shall be located and laid under the supervision and direction of the Croton Aqueduct Department, at such depth below the surface, and in such manner as shall effectually prevent any injury to or unnecessary interference with the surface of said streets, etc., or any change or alteration in the existing sewers, water pipes, or gas pipes; and in Brooklyn said tubes shall be laid under the direction, etc., of the Board of Water Commissioners, and said Board shall have power to establish such regulations, not inconsistent with this act, respecting the laying of the same, as will prevent any unnecessary interference with any of

the sewers, water pipes and gas pipes, or with any of the streets, etc., in said city.

§ 3. During the laying and construction of said tubes and for the purpose thereof, said persons or their assigns may make such openings in said streets, etc., through and under which such tubes are to pass, as may be necessary and proper; and said Croton Aqueduct Department and said Board of Water Commissioners shall respectively establish and enforce such rules and regulations, as to the number of men to be employed on any and all parts of the work of constructing said tubes, the time of making, keeping open, and closing such openings, and the laying of said tubes therein, as will prevent, as far as possible, the obstruction of any street, etc., and as will secure the completion of each part or section of said work with the least possible delay. In all cases said persons or their assigns shall, upon such completion, immediately restore the surface and pavements of said streets, etc., to as good condition as they were before the making of such openings.

§ 4. One who shall wilfully or maliciously destroy or injure any of said tubes, or other structures hereby authorized to be erected, constructed, etc., or any letter, package, etc., deposited in any receptacle authorized to be erected under this act, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment, not less than three nor more than six months, or by both such fine and imprisonment; and shall also forfeit and pay to said persons or their assigns, three times the amount of damages they may sustain thereby, to be recovered, with costs in any Court having cognizance thereof.

§ 5. The five persons first named in the foregoing first section shall within thirty days after

the passage of this act, convene a meeting of the several persons named in said section, to be held in New York City. Notice of the time and place of said meeting, signed by said five, shall be served on each of the others named in said first section, or their assigns, at least ten days before said meeting shall be held, either in person or by depositing the same in the post-office, addressed to said person or his assigns, at his last known place of residence or business. Said persons or their assigns, who shall attend at said time and place, pursuant to said notice, shall have power to determine by a three-fourths vote the terms, name and conditions upon and under which the powers, privileges and franchises herein conferred shall be exercised by said persons, etc., or the terms and conditions on which the same may be transferred to a corporation, to be organized as hereinafter provided ; the action of three-fourths of the persons so attending shall be binding upon each of the persons named in said first section, or his assigns, and each shall be bound to conform to such action, or he shall be deemed to have relinquished all his right and interest in said franchises, etc., in favor of the other grantees hereinbefore named or their assigns.

§ 6. In case said persons or their assigns so attending said meeting shall so determine, they may organize themselves into a corporation, in the manner required and authorized in and by the act to authorize the formation of corporations for manufacturing, etc., purposes, passed February 17, 1848, and the acts amendatory thereof, for the purpose of constructing and maintaining said tubes and using and operating the same as hereinbefore authorized. The certificate to be executed for the purpose of forming such corporation may be signed and acknowledged by any three or more of said grantees, and upon the formation thereof, said corporation shall possess all the powers and privileges conferred by said acts, and be subject to

all the duties and obligations imposed therein not inconsistent with the provisions of this act.

§ 7. The Legislature may at any time alter, etc., this act.

§ 8. Act takes immediate effect.

Amended Laws of 1869, p. 1237, ch. 512, ch. 185 of 1873. See ch. 503 of 1874, ch. 312 of 1886. § 4 repealed ch. 593 of 1886.

1868. Chap. 855, p. 2033.

Passed June 8rd.

AN ACT supplementary to chapter 489 of the Laws of 1867, and to provide for the collection and application of revenue in the County of New York in certain cases.

§ 1. The time in which the constructing company referred to in section 10 of said act, is limited to construct the experimental section and extensions thereof is, in addition to the exceptions named, extended six months; and it shall be lawful for experiments to be made in different forms of application of the propelling cable or other motor upon such railway, and for said company to adopt such form or motor as the Commissioners shall after due experiment recommend or approve, and also to erect such necessary boiler flues on the line of railway as shall be approved by said Commissioners.

§ 2. In pursuance of section 9 of said act it is directed that said company or its successors shall, in January in each year and quarter annually thereafter, pay to the Comptroller of New York City five per cent. of its net income for the purpose of being expended in the improvements

of the condition or appearance of the streets or parts of streets, etc., through which said railway shall be constructed, by preserving or transplanting shade trees, or by other embellishments or improvements of awnings and sidewalk structures which may tend to render the general condition and appearance of such streets satisfactory to the citizens dwelling in or frequenting the same. To this end said Commissioners shall have power to expend revenues received from said percentage, in such manner as they shall deem best to promote the object aforesaid, subject to the official approval of the Mayor. The Comptroller is directed to keep said revenue distinct and apart from all other funds, and to pay out of it warrants when signed by the Commissioners, and accompanied by vouchers for the expenditures endorsed as approved by the Mayor; and the vouchers for the compensation of the Commissioners, when approved by the Governor, shall also be paid from the same fund in like manner. Said vouchers shall be filed and remain open to public inspection the same as for other public expenditures.

§ 3. It shall be the duty of said constructing company, before opening its railway, to public use, to file with the Comptroller of the city in form approved by the Mayor, its bond in the penalty of one hundred thousand dollars, conditioned upon the true and faithful payment of the revenue in amount and manner specified in the preceding section, and the payment thereof shall be the legal compensation in full for the use and occupancy of the streets by said railway as provided by law, and shall constitute an agreement in the nature of a contract between said city and company entitling the latter or its successors to the privileges and rates of fare heretofore or hereinafter legalized, which shall not be changed without the mutual consent of the parties thereto as aforesaid; and the Mayor, in behalf of said city, may, in case of any

default in payment as aforesaid, sue for and collect at law any arrearages in such payment, and the claims of the city therefor shall constitute a lien on the railway of said company, having priority over all others; provided, that it shall not be lawful for the corporate or other authorities to authorize or permit any structures or thing which by crossing or overhanging the track of such elevated railway or otherwise shall impede or endanger its use for public transit purposes.

§ 4. The compensation mentioned in the preceding section shall be considered as covering all claims for the removal of obstructions or structures found on the line of said railway, owned by companies or individuals, and where awnings or other structures are thus removed, they shall be replaced only on permit of the Commissioners, under such general rules and regulations as they shall adopt in the plans for improving the condition or appearance of the streets as aforesaid; provided, that where vaults have been placed beneath the surface of the streets by owners of adjoining property, under permit of corporate authorities and the payment of a consideration to the city for such privilege, in such cases and not otherwise the constructing company shall pay the actual cost of the improvements made as aforesaid before occupancy, or in *pro rata* proportion for any part thereof; provided, also, that injunctions issuable against said company under provisions of section 11 of the act aforesaid shall be upon notice and preliminary hearing in legal form, and not otherwise.

§ 5. Said West Side and Yonkers Patent Railway Company may, before further extensions on the issuance of its stock or securities, file supplementary articles of association in the office of the Secretary of State for the purpose of amending its corporate name or title, and it shall be known by the amended name or title stated in supplemen-

tary articles aforesaid, when signed by a majority of the original corporators and attested by the signatures of its president and secretary, under its corporate seal, without prejudice to its rights, franchises or contracts, to the same effect as if the amended name had been adopted in the original articles and referred to by law.

§ 6. The Legislature may at any time alter, modify or repeal this act.

§ 7. Act takes immediate effect.

See ch. 595 of 1875. Amended ch. 555 of 1885.

1869. Chap. 512, p. 1237.

Passed May 3d.

AN ACT supplementary to Chapter 842 of the Laws of 1868, in relation to carrying letters, packages and merchandise by means of Pneumatic Tubes in New York and Brooklyn.

§ 1. Amends the first section of said Act by adding as follows: Provided, however, in case said postmaster shall neglect or refuse to give his consent to connect the same with said post-office, said persons, etc. instead of performing the foregoing condition and in lieu thereof, shall first lay down and construct one line of pneumatic tubes from Warren street, at its connection with Broadway, southerly under Broadway to the point of intersection of Cedar street therewith, or to some point within two hundred feet thereof.

§ 2. Section two of said Act is amended to be as follows:

§ 2. Said pneumatic tubes shall have a mean interior diameter of not exceeding fifty-four inches,

and be laid in such a manner as shall effectually prevent any injury to, or unnecessary interference with the surface of said streets, public places, etc., and the Croton Aqueduct Department of New York and the Board of Water Commissioners of Brooklyn shall respectively have power to establish such reasonable rules and regulations, not inconsistent with the purposes of this act, respecting the laying of said tubes as will prevent any unnecessary interference with any of the sewers, water pipes, and gas pipes, or any of the streets, public places, etc., in said cities respectively.

§ 3. Amends the third section of said Act to be as follows: During the laying, construction and repairing of said tubes and appurtenances, and for the purpose of laying, etc., the same, it shall be lawful for said persons, or their assigns, to make such opening in said streets, etc., through and under which said tubes are to pass, as may be necessary and proper, subject to the regulations hereinbefore provided. And in all cases said persons, etc., shall, upon the completion of said tubes or repairs, immediately restore the surface and pavements of said streets, etc., to as good condition as they were before the making of such repairs.

§ 4. Act takes effect immediately.

See ch. 185 of 1873, ch. 503 of 1874, ch. 454 of 1881, ch. 312 of 1886.

1869. Chap. 722, p. 1759.

Passed May 8th.

AN ACT to amend an act entitled "An Act to incorporate the Harlem River and Port Chester Railroad Company."

§ 1. Section 1, Chap. 763, Laws of 1866, is amended to read as follows:

§ 1. It shall be lawful for Gouvenier M. Wilkins and others, all of the County of Westchester, and their associates, when duly formed into a corporation, under and pursuant to the General Railroad Act of 1850, except as hereinafter provided, to construct, maintain and operate a railroad, with all necessary depots, buildings, apparatus and fixtures from some point at or near Byram River, at or near the village of Port Chester, in the Town of Rye, in said County, to the Harlem River, in said County, passing through or near the Towns or Villages of Port Chester, Rye, Mamoroneck, Chatsworth, New Rochelle, Pelham, East Chester, Westchester, West Farms and Morrisania, and touching in its course points easily accessible from City Island, Davids Island, Harts Island and Throgs Neck. Such road to be laid out on the most eligible route to accommodate passengers and freight to and from said towns, etc., and such corporation, when duly formed, may take and appropriate private property for the construction and maintenance of said road, under and in pursuance and in manner as by the said Act prescribed.

§ 2. Repeals the eighth section of said Act.

§ 3. The line of track of said road shall not be located within four hundred feet of the southern Boulevard, or cross the same within the Town of West Farms, unless with the unanimous consent of the Commissioners of said Boulevard.

§ s. Act takes effect immediately.

Amended ch. 763, Laws of 1866,

See ch. 605 of 1871, ch. 48 of 1873.

1869. Chap. 755, p. 1810.

Passed May 8th.

AN ACT to amend an act entitled "An Act to incorporate the New York Mutual Gas Light Company," passed April 17, 1866.

§ 1. Amends the second section of said act so as to provide that the capital stock of said company shall be divided into shares of one hundred dollars each, instead of ten dollars each.

§ 2. Act takes effect immediately.

Amends Ch. 651 of 1866. See ch. 154 of 1868.

1869. Chap. 795, p. 1859.

Passed May 10th.

AN ACT to incorporate the Morrisania Water Works Company, in the County of Westchester.

§§ 1 to 7 inclusive, constitute Thomas Rogers and others a body corporate by the above name, fixes the capital stock, provides for subscriptions to the stock, the management of the affairs of the company, the election of directors and officers, etc.

§ 8. For the purpose of supplying said town of Morrisania and other towns in Westchester County with pure and wholesome water, said company may purchase, take and hold any real estate, and by its directors, agents, etc., may enter upon the lands of any person which may be necessary for such purpose, and may take the water from any springs (except those used for domestic purposes),

ponds or streams, and divert and convey the same to said town, and may lay and construct any pipes, conduits, etc., reservoirs or other works or machinery necessary or proper for said purpose, upon any lands so entered upon, purchased, etc. Said corporation may, as aforesaid, enter upon any lands, streets, highways, roads, lanes, canals, railroads or public squares, through which they deem it proper to convey the water from said springs, etc., wells and reservoirs, and lay and construct any pipes, etc., or other works for that purpose, leaving said lands, streets, etc., in the same condition, as nearly as may be, as they were before said entry; but said company shall not lay and construct said pipes, etc., and other works through any private garden, court-yard or building-lot, without the consent of such owner.

Sections nine to twelve inclusive, provide for taking and acquiring of lands, where they cannot agree with the owner or occupant for the purchase thereof.

§ 13. The company shall take and hold, for the purposes contemplated by this act, all the lands, waters, and real estate which they shall in any way legally enter upon and take by virtue hereof, except the streets, highways, railroads, parks or other public places through or upon which they may run their pipes, to them and their successors forever.

§ 14. The company is authorized to purchase and take conveyances, for and in its name, of all lands or other estates, or privileges, necessary or convenient for accomplishing the purposes of this act; to dam and hold in sufficient quantities the water of any pond etc., taken under the provisions of this act heretofore contained; to lay and construct all necessary pipes, reservoirs, etc., either within or without said town; to use the ground or

soil under any railroad, canal, street, high, or private way, for the purposes of laying said pipes etc. in such manner as least to obstruct or impede travel thereon, causing all damage done thereto to be repaired, and all damage sustained by any person or corporation in consequence of the interruption of travel, to be paid to such person etc.; to make and establish public reservoirs and hydrants; to regulate the distribution and use of the water, and establish the prices therefor and collect all water rents.

* * * * *

§ 25. Act takes immediate effect.

1869. Chap. 804, p. 1882.

Passed May 10th.

AN ACT to amend an act entitled "An Act to
"authorize the Towns of Morrisania and
"West Farms to widen, make, extend and
"improve a highway in said towns, to be
"called the Southern Boulevard" passed April
9, 1867.

§ 9. Whenever gas mains shall be laid along said road, they shall be laid on either side thereof near the curb-stones, when such stones have been placed on or near the line fixed upon for placing them, and in such manner as not to disturb the macadamized portion of the road.

§ 11. Act takes immediate effect.

Amends Ch. 290 Laws of 1867.

1869. Chap. 823, p. 1946.

Passed May 10th.

AN ACT to authorize the construction of a railroad through Twenty-third street in the City of New York.

§ 1. The Commissioners of the Sinking Fund of said City are authorized and required, within twenty days after the passage of this act, to advertise for two weeks, in at least two daily papers published in said city, that they will on a day and at a place certain, therein specified, sell at public auction to the highest bidder the right, privilege and franchise to construct, operate, etc., a railroad with a double track, and the necessary turnouts and switches for the proper working of the same through, along, etc., Twenty-third street in said city, from the North to the East River. Such sale shall be conducted in the ordinary manner of sales at auction, and the person or corporation who shall offer to pay into the City Treasury the largest sum of money for such right, etc., shall receive from said Commissioners a certificate that he or they are entitled to such grant, and are authorized to construct, etc. the same in accordance with the provisions of this act. Such certificate to be issued on payment within ten days into the City Treasury of the amount of the bid, and the execution of a bond to said Commissioners, in such form, and for such amount as they shall prescribe, conditioned that the person or corporation receiving such certificate will, within four months, finish etc. said road, and equip the same with the requisite number of cars and horses; but should he or they be restrained or prevented by legal proceedings from constructing and completing the same, the time during which they are so restrained shall not be deemed or taken to be part of the time within which the same is to be completed.

§ 2. The party or corporation receiving such certificate is authorized etc. to lay, operate etc. a railroad with double track along and upon said Twenty-third street, from the North to the East River, with the necessary connections, etc., for the proper working of the same.

§ 3. The railroad shall be constructed on the most approved plan for the construction of city railroads, with Philadelphia rail, be run as often as the convenience of passengers may require, and be subject to such reasonable rules, etc., in respect thereto as the Common Council may from time to time by ordinance prescribe; and said party or corporation may charge the same rate of fare for passengers on said railroad as is now charged by other city railroads in said city.

§ 4. In the construction, operation or use of such railroad upon said route, should such person, etc., deem it necessary or proper to run upon, intersect or use any portion of other railroad tracks now laid upon said street, he or they may do so; and, in case they cannot agree with the owner thereof respecting the compensation etc. to be made therefor, then the amount of such compensation etc. shall be determined in the manner provided by subdivision 6 of the 28th section of the General Railroad Act of 1850. Should any real estate or interest therein be required for the purpose of constructing said railroad as above specified and authorized, for which said person or corporation shall be unable to agree with the owner for the use or purchase thereof, they may acquire the right to use or title to the same in the manner specified in sections 14 to 21 inclusive of said General Railroad Act, except that, in any proceeding for any purpose authorized by this section, it shall not be necessary that the petition to the Supreme Court make any allegation of or any reference to any incorporation, capital stock, surveys or maps,

or the filing of any certificate of location. In all cases the use of said street, for the purposes of said railroad as herein authorized, shall be considered a public use, consistent with the uses for which the city corporation holds said street. Nothing in this act contained shall authorize or allow the existence of more than two tracks in any part of said street.

§ 5. The Legislature may at any time alter, etc., this act.

§ 6. Act takes immediate effect.

Amended ch. 521 of 1872.

1869. Chap. 824, p. 1949.

Passed May 11th.

AN ACT to revise and amend an act entitled "An
 " act to incorporate the New York City Cen-
 " tral Underground Railroad Company, and
 " to authorize the said company to construct
 " and operate a certain Underground Railroad
 " in the City of New York," passed April
 17th, 1868.

§ 1. Section 4 of said act is amended to read as follows:

§ 4. The tunnel and railway hereby authorized to be constructed and enjoyed by said corporation shall follow, as nearly as possible, the line of the streets, avenues, courses and places named as follows; Commencing at a point on the easterly line of Broadway, in City Hall Park, thence easterly and underground, passing in front of old City Hall and to, under and across Center street to City Hall place; thence through City Hall place by tunnel or on a line east or west of City Hall

place by tunnel or open cut to Pearl street; thence in like manner across Pearl street northeasterly in a curved line to or near Mulberry street at a point between Bayard and Park streets; thence northerly through Mulberry street by tunnel or east or west thereof in the same general direction by tunnel or open cut to Bleecker street; thence northerly under and across Bleecker street in a straight line, as near as practicable, by tunnel or open cut to Lafayette place; thence northerly under Lafayette place to Astor place; under and across Astor place and Eighth street to the northerly side of Eighth street; across the block between Eighth and Ninth streets and east of St. Ann's church, to Fourth avenue; northerly under Fourth avenue to Fourteenth street; under and across Fourteenth street and Fourth Avenue and northerly under Union square, and under and across Seventeenth street, and thence to Twenty-third street, either through the blocks between Broadway and Fourth avenue, as near as practicable, in a direct line by tunnel or open cut, or through to Madison avenue, as it may hereafter be extended southerly; thence northerly under Madison avenue as it would be if projected southerly; thence under Madison square or Madison avenue to Twenty-sixth street; thence northerly under and across twenty-sixth street to Madison avenue; thence under Madison avenue as now opened, or east of said avenue, in whole or in part, by open cut or tunnel, to Eighty-sixth street; thence under Madison avenue, as declared by chapter 403 of the Laws of 1867, to One Hundred and Twentieth street; thence northeasterly, continuing the same line to Harlem river; thence easterly and westerly along Harlem river and connecting with Harlem bridge at the terminus of Third avenue. In case the lowness of the surface at any point north of Ninety-ninth street is such as to render the construction of a tunnel undesirable, said main line may be constructed and operated by an elevated railway on or near Madison avenue

from Ninety-ninth street to and along Harlem river, or near it. Said corporation may make on said route the necessary connections, turnouts, switches and other conveniences for the proper working and accommodation of said railway, and returning from Centre street may pass in the rear of City Hall, and may make connections with any steam or horse railroads in such manner as may be deemed best by said corporation. Said company may also construct and use a branch from said main line to Central Park, and, with the approval of the Commissioners of said park, into and under said park.

§ 2. Section 5 is amended to read as follows:

§ 5. For the purpose of making, operating, etc. said tunnel and railway, said corporation may enter upon and underneath the several streets, avenues, squares, public places and lands hereinbefore specified, and into and upon the soil of the same, to construct and maintain said tunnel and railway along the route and to the points herein specified and contemplated, such tunnel and railway to be constructed in the most thorough manner, and upon the most approved plans for lighting, ventilating and draining, and of sufficient dimensions and number of tracks for the purposes of said railway, and for the convenience of the public travel, and at such depth below the surface and in such manner as effectually to prevent any interference with the surface of said streets, etc., or the use of the same, with such exceptions as are provided for in this act; and except, also, that during the progress of construction it shall be lawful to make such excavations and openings in said streets, etc. under which said tunnel etc. shall be constructed, or over which said tracks shall be laid, as shall be necessary from time to time; and in all cases the surface and pavements of said streets, etc. over said tunnel etc. shall be restored to the condition in which they were before

such excavations were made, as nearly as possible, and, if practicable, half the width of said street shall be always kept open for public travel; but where excavations for the full width of such streets or avenues shall be made, they shall not be oftener at any one time, nor more than one in each quarter-mile of said route, nor shall they be more than 250 feet in length in any one place, nor be kept open longer than for a period of 60 days in any one place, except by the consent in writing of the Street Commissioner of said city. And said corporation may construct and maintain openings for ventilation or light extending from said tunnel to the outer edges of the sidewalks of the streets or avenues, and to the surface of the squares in which said tunnel shall be constructed, and said openings shall not exceed two feet in width, except in public squares and parks, where they may be four by eight feet at any one point; said openings for ventilation in parks and squares shall be covered with an iron grating, which shall not extend more than six inches above the surface of said squares, &c. It is provided, however, that said corporation shall be liable to the owner or lessee of any building or property along the route of said tunnel, for any damages which he or they shall sustain by reason of any direct injury caused thereto by the construction of such railway and tunnel.

§ 3. Section eleven is amended as follows:

§ 11. Said corporation shall commence the construction of its tunnel and railway within two years from the passage of this act, shall have three years thereafter to complete the same to Forty-second street, and five years thereafter to complete the same to and along the Harlem River, necessary and unavoidable delays from the pendency of legal proceedings against said corporation excepted; and no omission to construct any portion shall work a

forfeiture of this franchise in respect to any section of said tunnel and railway which may have been commenced or completed.

§ 4. Section twelve is amended as follows:

§ 12. Said company may, if it so elects, construct its road or tunnel on any line between Madison avenue and Fourth avenue, north of Fortieth street. The Street Commissioner may, on application of the company, in the discretion of the Common Council, and pursuant to its direction change the grades of any street or avenue, through, across or under which said company is authorized to construct its road, and conform the grades of the intersecting streets thereto, the expenses of any such change of grade to be paid by the company, or the company may do the work necessary to effect such change of grade at its own expense, but the same shall be done to the satisfaction of the Street Commissioner. Wherever the change of grade of any street caused by the construction of this road shall injure any property of private owners they shall be entitled to such damages, to be paid for by said company, as shall be awarded by commissioners appointed by the Supreme Court of the first judicial district. If the width of any street or avenue along the route of said railway shall be deemed by said company inadequate for the construction of a railway sufficient to accommodate public travel, they may acquire title to and hold such adjacent real estate as shall be necessary for that purpose, in the manner provided in this act.

§ 5. Any railroad company or companies incorporated by the laws of this or any other State may subscribe to the capital stock of said company, in such amounts as they may respectively determine. But no such action shall be had by any such railroad company until the assent in writing thereto, of at least a majority of the stockholders thereof,

has been obtained and filed in the office of such railroad company.

§ 6. Nothing in this act contained shall be held to authorize said corporation to use locomotives or any description of steam carriages upon and along any street or avenue in said city. The tunnel mentioned in this and the amended act may be a single or double tunnel or subways, as said corporation may determine.

§ 7. Repeals all acts and parts of acts inconsistent with the provisions of this act, and no powers, rights, privileges or advantages shall be deemed to have been forfeited, waived or lost by reason of non-compliance heretofore by said company with any provisions of the act amended.

§ 8. Marshall O. Roberts, Origen Vandenberg, and William A. Whitbeck, are added to the directors of said corporation, and the whole number of directors is increased accordingly.

§ 9. Act takes immediate effect.

Amends chap. 230 of 1868.

1869. Chap. 846, p. 2041.

Passed May 11th.

An act to revive and continue in force an act entitled "An act to establish a steam ferry between the City of Brooklyn and Mott Haven, in Westchester County," passed May 13, 1865, and an act amending the same, passed May 11, 1867.

§ 1. Revives and continues in force in all respects said act and amendatory act, the same as if the corporators therein named had commenced the trans-

action of business under the provisions of said act, and notwithstanding any omission on their part so to do.

§ 2. Act takes immediate effect.

See chapter 757 of 1865, and chapter 891 of 1867.

1869. Chap. 904, p. 2285.

Passed May 18th.

AN ACT to amend an act entitled "An Act to regulate, grade, widen, macadamize and improve a public highway in the towns of East Chester and Westchester, in the County of Westchester, commonly called the 'Old White Plains road,' and also a portion of 'First street, in the village of Mount Vernon,'" passed May 14, 1868, and to extend and change the route of said road, and confer additional powers on the commissioners under said act.

§ 1. Amends the first section of said act by adding to the description therein contained of the road, the following: thence southerly with said Fourth avenue to Third street; thence easterly with Third street to Third avenue in said village; thence southerly with said Third avenue to the public road leading to the village of East Chester; thence southerly with said public road till it connects with the old Westchester turnpike road at or near Marshall's Corners. Also all that portion of the public road in the town of Westchester running westerly from the old White Plains road, near John Briggs' store, and southerly of Hitchcock's shop to the bridge over Bronx River, and thence easterly connecting said roads on the northerly side of said Hitchcock's shop.

Amends ch. 819 of 1886.

1869. Chap. 919, p. 2404.

Passed May 20th.

AN ACT in relation to the new passenger depot of the New York and Harlem Railroad Company at Forty-second street, in the City of New York, and to alter the map or plan of said city.

§ 1. Authorizes said company to use, in the construction of its new passenger depot, that part of Fourth avenue lying between the westerly side of Fourth avenue and a line parallel thereto and 50 feet westerly from the easterly side of said avenue, and extending from the northerly side of Forty-second street to the southerly side of Forty-fifth street; and also that part of Forty-third and Forty-fourth streets lying between the westerly side of Fourth avenue and a line parallel thereto, and one hundred and fifty feet westerly therefrom; and also to lay down such curves, switches and turnouts as may be necessary for the convenient transaction of their business. Compensation shall be made to the city corporation and other corporations or persons, as the same shall be respectively entitled thereto, for the property to be taken under the provisions of this act, such compensation to be ascertained in the same manner as is provided for appraising real estate taken by railroad corporations under the provisions of the General Railroad Act of April 2, 1850.

§ 2. The building authorized by the first section of this act shall be substantially constructed of the best materials, and the front on Forty-second street shall be of Philadelphia pressed brick, brown or free stone, or marble and iron, and shall be finished in the best style of architecture.

§ 3. All that piece or parcel of land being sixty feet wide, between and parallel with Fourth and

Madison avenues, from the northerly side of Forty-second street to the southerly side of Forty-fifth street, the easterly line of which is 150 feet westerly from the westerly line of Fourth avenue, and the westerly line of which is 210 feet westerly from said westerly line of said avenue, is declared for all legal purposes to be one of the streets of the city in like manner as if the same had been laid out by the commissioners under the act of April 3, 1807, relative to improvements touching the laying out of streets and roads in New York City, etc.

§ 4. Act takes immediate effect.

Amended ch. 661 of 1886.

1870. Chap. 504, p. 1143.

Passed April 28th.

AN ACT to authorize the construction of a railroad in One Hundred and Twenty-fifth street, and in certain other streets and avenues in the City of New York.

§ 1. The Commissioners of the Sinking Fund of said city are authorized, within twenty days after the passage of this act, to advertise for six weeks in at least five of the daily papers published in said city, that they will, on a certain day and hour, and at a certain place to be therein specified, sell at public auction to the highest bidder, the right, privilege and franchise to construct, operate by animal power and use a railroad, with single or double track as herein provided, and to convey passengers thereon for compensation, through, upon and along the following streets or avenues, route or routes in the said city, viz.: Commencing on the North River, at the foot of One Hundred and Thirtieth street; thence along One Hundred

and Thirtieth street, Manhattan street, and One Hundred and Twenty-fifth street to the East or Harlem River; also from One Hundred and Twenty-fifth street along Third avenue to Harlem Bridge; also from Third avenue along One Hundred and Thirtieth street to Harlem River; also from One Hundred and Twenty-fifth street, at its intersection with Tenth avenue, northerly along the avenue to the terminus of the avenue; all with double track; together with the necessary connections, turnouts and switches, for the proper working and accommodation of said railroad on said streets, route, etc.; said road to be completed within two years from the passage of this act, except along Tenth avenue, and along said avenue as fast as it shall be opened, graded and paved, from One Hundred and Twenty-fifth street. Such sale shall be conducted in the ordinary manner of sales at auction, and the person or corporation who shall offer to pay into the City Treasury the largest sum of money for such right, etc., shall receive from said Commissioners a certificate that he or they are entitled to such grant, and are authorized to construct, operate and use the same, in accordance with the provisions of this act. Such certificate to be issued on the payment, within ten days, into the City Treasury, of the amount of the bid, and of the execution of a bond to the city corporation, in such form and for such amount as said Commissioners shall prescribe, conditioned that the receiver of such certificate shall, within two years, finish and complete said road and equip the same with the requisite number of cars and horses, except along Tenth avenue as aforesaid; but should he or they be restrained or prevented by any legal proceedings from completing and constructing the same, the time of such restraint shall not be deemed or taken to be part of the time within which the same is to be completed. The Commissioners of the Sinking Fund may reject any bid, if in their judgment it is for the interest of the

city that they should do so, and offer the franchise for sale again upon like previous notice and advertisement as is herein required for the first sale.

§ 2. The party or corporation receiving said certificate is authorized to lay, construct and operate a railroad, with a single or double track through, etc., the before mentioned streets, etc., in said city with the necessary connections, turnouts and switches for the proper working of the same.

§ 3. Said railroad shall be constructed on the most approved plan for the construction of city railroads, with Philadelphia rail, and shall be run as often as the convenience of passengers may require, and be subject to such reasonable rules and regulations in respect thereto as the Common Council may, from time to time, by ordinance, prescribe; and said party or corporation may charge the same rate of fare for the conveyance of passengers on said railroad as may be charged by other city railroads in said city.

§ 4. In the construction, operation or use of said railroad upon said route or routes, should such person or corporation deem it necessary or proper to run upon, intersect or use any portion of other railroad tracks now laid upon any of said streets or avenues, they are authorized so to do; and in case they cannot agree with the owner thereof respecting the compensation or payment to be made therefor, then the amount of such compensation or payment shall be ascertained and determined in the manner provided by subdivision 6 of the 28th section of the General Railroad Act of April 2, 1850. Should any real estate or interest therein be required for the purpose of constructing said railroad on said route, etc., for which said person or corporation shall be unable to agree with the owner thereof for the use or purchase thereof, they may acquire the right to use or title to the same

in the manner specified in sections 14 to 21 inclusive of said General Railroad Act, except that in any proceeding for any of the purposes authorized by this section, it shall not be necessary that the petition to the Supreme Court make any allegations of or reference to any incorporation, capital stock, surveys or maps, or of the filing of any certificate of location. In all cases, the use of said streets etc. for the purposes of said railroad as herein authorized, shall be considered a public use, consistent with the uses for which the city corporation holds said streets, etc. Nothing in this act contained shall authorize or allow the existence of more than two tracks in any part of said streets or avenues. The road shall be used for the conveyance of passengers exclusively, and the cars be drawn by horses and mules only.

§ 5. The Legislature may at any time alter, amend or repeal this act.

§ 6. Act take immediate effect.

Amended ch. 209 of 1883.

1871. Chapter 19, p. 24.

Passed February 2d.

AN ACT to authorize the Avenue C Railroad Company, of the City of New York, to extend their railroad tracks through certain streets and avenues in the City of New York.

§ 1. Said company is authorized to extend its railroad tracks in Avenue C through 17th and 18th streets, by single track in each street, to Avenue A; thence, by double track, along Avenue A, 23d street and First Avenue to 36th street; thence along 36th street, by single track, to Lexington avenue; also along 35th street, by single track,

from 1st Avenue to Lexington avenue; thence along Lexington avenue, by single or double track, to 42d street; thence along 42d street, by double track, to Fourth avenue. Also by a single track, along Charlton street, from Greenwich to West street; and, by single track, along West Houston street, from Washington street to West street; along West street, by double track, to Chambers street. Also along 10th street, connecting with double track in Avenue C, by single track, to Avenue D; thence along 10th street, by double track, to the East River. Also connecting with the double track on 10th street, along Avenue D, by single track, to 11th street; along 11th street, by single track, connecting with the double track on Avenue C, together with the necessary switches, curves, turnouts and sidetracks for the complete operation of said railroad and the extension herein provided for.

§ 2. In the construction, operation or use of said road, as so authorized to be extended or constructed on said streets and avenues, should said company deem it necessary or proper to run upon, intersect or use any portion of other railroad tracks now or hereafter laid upon said streets and avenues, said company may run upon, intersect and use the same; and in case agreement shall not be made with the owner of such other railroad tracks in respect to compensation or payment to be made therefor, the amount of such compensation or payment shall be ascertained and determined in the manner provided by subdivision 6 of the 28th section of the General Railroad Act of April 2, 1850.

§ 3. In the construction, use and operation by said company of the tracks and extensions authorized by this act, the company shall have and exercise the same rights and privileges now possessed and exercised under former grants and laws; and may use said road in connection with the roads of

other railroad companies in said city, upon such terms as may be agreed upon between said company and other railroad companies; and said company may lease all or any portion of their said road, or consolidate the same with any other railroad company in said city or State with which said road may intersect or connect, or may lease the tracks, or any portion thereof, belonging to any other railroad companies.

§ 4. The Avenue C railroad company shall make compensation to the city corporation for the value of the rights and privileges herein granted or authorized, which compensation shall be ascertained and determined in the manner, as far as applicable, provided for fixing compensation for railroad rights and privileges by the aforesaid General Railroad Act; that is to say, before said additional tracks or extensions shall be put in practical operation, or said rights and privileges may be made available, the said company shall apply to the Supreme Court for the appointment of three Commissioners to appraise and determine the amount of compensation which shall be paid annually, or in a gross sum, to the Mayor, Aldermen and Commonalty as such compensation for the rights and privileges herein granted. Such application shall be made on not less than ten days' notice to said Mayor, etc., of the time, place and object thereof. The decision of the Commissioners so appointed, or a majority of them, as to the amount of such compensation, shall be final and conclusive as to said company and said Mayor, etc.; and the amount so fixed and determined shall be paid to the Commissioners of the Sinking Fund of said city, by said company, within thirty days after the same becomes payable according to the decision aforesaid, and applied to the reduction of the debt of said city.

§ 5. Act takes immediate effect.

See ch. 625 of 1868.

1871. Chap. 99, p. 214.

Passed March 14th.

AN ACT in relation to the running of ferry boats by the Union Ferry Company across the East River.

§ 1. Said company is required to run a boat from Catharine street, New York, to Main street, Brooklyn, once every 15 minutes up to midnight and once every half hour from that time to 5 A. M.

§ 2. Act takes immediate effect.

1871. Chap. 225, p. 453.

Passed March 30th.

AN ACT to amend chapter 880 of the Laws of 1867, entitled "An Act for the protection of persons traveling upon Fourth avenue in the City of New York."

§ 1. The provisions of said amended chapter are applied to that portion of Fourth avenue lying between the north side of Seventieth street and the north side of Seventy-first street.

§ 2. Changes the grade of said portion of said avenue so far as the same is necessary to properly carry out the provisions of said act.

§ 3. Act takes immediate effect.

1871. Chap. 300, p. 592.

Passed April 5th.

AN ACT to incorporate the New York Railway Company, for the purpose of providing rapid transit through the City and County of New York and Westchester County, and to provide for the construction and operation of railways therefor.

§ 1. Peter B. Sweeney, William M. Tweed, Jr., Hugh Smith, Richard B. Connolly, Forbes Holland, Shephard F. Knapp, John J. Serrell, Leopold Eidlitz, James J. Burnett, William R. Travers, and others (named), are created a body corporate and politic, by the name of "The New York Railway Company." Term of existence 100 years from the passage of the act; capital stock \$25,000,000—divided into two hundred and fifty thousand shares of \$100 each—with power to increase such stock, from time to time, as shall be required for the purposes herein authorized and as hereinafter provided.

§ 2. The business and affairs of said corporation shall be managed by a board of not less than ten directors, to be elected within three months after the passage of this act by the above named corporators or their assigns; the ten first named of whom, or a majority of them, shall determine the day and place of such election and the number of directors to be chosen, and shall give due notice thereof to each of said corporators, by notice delivered at or mailed to their respective places of abode or business, at least ten days prior to the time of such election; such of said corporators as shall attend such election in person, or by proxy, shall appoint two tellers to conduct such election and declare the result, and the directors then

chosen shall divide, by lot, into five classes of an equal number of directors, as near as may be, who shall respectively hold office for one, two, three, four and five years, and until others are chosen in their places as herein provided; and an election of the stockholders of said corporation shall be held annually thereafter, upon notice of ten days being given in at least three daily papers, published in New York City, and the persons owning the majority of the stock, then present or represented by proxy, at such election shall elect the required number of directors in place of those going out of office. All vacancies occurring in the board of directors, by resignation or death, shall be filled by the remaining members of said board for the remainder of the respective terms.

§ 3. The corporation hereby created shall possess all the powers and privileges, and be subject to all the provisions, of the General Railroad Act of April 2, 1850, and the acts amendatory thereof and additional thereto, so far as applicable, and except so far as the provisions of said act are modified by or inconsistent with the provisions of this act; and said corporation is authorized to make, construct and maintain viaducts and other roadbeds, to be built by the said corporation upon the land acquired under this act, and upon and across all streets, roads, avenues, public places, rivers and streams, as required, and to construct, operate and use thereon railways, with the necessary sidings, and to convey passengers, freight and property in cars propelled by steam or other power, over and across certain streets, roads, avenues, squares and grounds in New York City, as hereinafter provided; and also to extend their said roads, by viaduct or otherwise, into Westchester County, as hereinafter provided.

§ 4. The viaducts and railways so authorized to be constructed and enjoyed in New York City shall

follow, as near as practicable, a route commencing at or near Chambers street, between Broadway and Chatham street, and running thence northwardly through the blocks and across streets between Broadway and Chatham street and the Bowery, to or near to Houston street or Bleecker street, and from thence with one branch of said viaduct and railway diverging easterly through the blocks and across the streets to and across the Bowery in the vicinity of Bond street or Great Jones street, and from thence passing northeasterly through the blocks and across the streets, roads or avenues, between Third avenue and the East river to the Harlem river; also with another branch of said viaduct and railway diverging westerly from the first mentioned line from near Houston street or Bleecker street, and running through the blocks and across the streets to and across Broadway near to Houston street or Bleecker street; thence running westerly through the blocks and across the streets to and across Carmine street or Sixth avenue, and thence through the blocks and across the streets, roads or avenues and west of Sixth avenue and west of Central Park to the Harlem River or Spuyten Duyvil Creek near to Kingsbridge. Said corporation may make on the routes aforesaid the necessary depots, connections, turn-outs, switches and other conveniences for the proper working of said railways.

§ 5. For the purpose of making, constructing and operating said viaducts and railways, said corporation may enter upon and cross the several streets, squares, lands, etc., herein provided for, and into and upon the soil of the same, to construct and maintain said viaducts etc. along the routes and to the points or places specified and contemplated; such viaducts etc. to be constructed in the most thorough manner, and upon the most approved plans, and of sufficient dimensions for the purposes of said viaducts and railways, and in

such manner as will, when completed, tend to insure the unimpeded traffic through said streets, etc., as enjoyed by the public before said construction, except as otherwise required for the purposes of this act; and also excepting the necessary foundations, piers, columns or other structures which may be required to insure the safety of construction and maintenance of said viaducts and railways; and except, also, that during the progress of construction it shall be lawful to make such openings and excavations in said streets, public places, etc., over which said viaducts and railways shall be constructed, as shall be necessary from time to time, and in all cases the surface and pavements of said streets, etc., shall be restored, around such foundations, piers or columns, to the condition in which they were before such excavations were made, as near as possible, and if practical, half the width of said streets, roads or avenues shall be always kept open for public travel; but where temporary obstructions for the full width of the streets, roads or avenues shall be made, they shall not be oftener at any one time nor more than one in each quarter mile of said routes, nor shall they be so obstructed for a longer period than sixty days in any one place, except by the consent in writing of the Commissioner of Public Works.

§ 6. Said corporation has the right to acquire the title to and hold such real estate or interest therein as may be necessary to enable it to construct and operate said viaducts and railways as herein provided, and in case it cannot agree with the owner of such real estate or interest for the purchase or use thereof, it may acquire the title to the same in the manner specified in the acts here inbefore referred to, except that in any proceeding for any purpose authorized by this section, it shall not be necessary that the petition to the Court make any allegation of or reference to any act of

incorporation, capital stock, surveys, maps, or the filing of any certificate of location.

§ 7. Whenever the routes of said viaducts etc. shall intersect with or cross above any horse railway tracks now occupying the surface of any streets, etc., such tracks shall not be unduly obstructed, and temporary bridges or structures shall be constructed in such manner as not to interfere with the practical operation or working of such horse railway tracks, and upon the completion of said viaducts and such portion of the route thereof where such changes of the horse railway tracks may be made, the same shall be restored as near as practicable to the condition in which they were previous to the construction of said viaducts, and all such bridges or structures and restoration of tracks shall be made at the proper costs and charges of this corporation.

§ 8. Said viaducts and railways shall be exclusively for the uses and purposes of said railway company, and it shall not be lawful for any person, other than a public officer, in the execution of his duty as such, with his agents and assistants, to enter or pass through the same, or any portion thereof, in any other way than in the proper cars provided for that purpose, without the consent of such corporation, under penalty of fifty dollars for each offense, to be recovered by this corporation. And the City corporation and its officers are prohibited from giving any permission or authority to any other person, officer or corporation to do any of the acts or things hereby authorized, or to hinder, delay or embarrass the construction or operation of said viaducts and railways, and other things as herein authorized.

§ 9. Said corporation may collect not exceeding fifteen cents for any distance between Chambers street and Harlem River near Third avenue, and

twenty cents for any distance between Chambers street and Kingsbridge, for every seat hired or taken in all cars (except in the hereinafter mentioned special cars), such seats not to be less than twenty inches wide, but said corporation shall not be compelled to permit passengers to stand in such cars, or to allow more than one passenger to occupy any one seat.

All trains starting from each terminus, between 6 and 8 o'clock, morning and evening, shall have attached at least two special cars, each capable of seating at least forty-eight passengers, and no fare shall be charged in such special cars exceeding five cents for any distance between the termini, and said corporation shall be compelled to admit to all such special cars any passenger who has paid his fare, even after all seats are filled, whenever necessary for the convenience of the public.

§ 10. Said corporation shall have stock subscriptions to the amount of five million dollars before the construction of said viaducts and railways is commenced, and one year from the passage of this act within which to commence the same, and three years within which to complete said viaduct and railway to Forty-second street, and five years to complete the same to Harlem River, necessary and unavoidable delays from the pendency of legal proceedings against said corporation excepted.

§ 11. The directors aforesaid are required to open books for subscription to the bonds or stock of said corporation, and shall give at least ten days' notice, to be published in at least four daily newspapers printed and published in said city, of the place or places where said books shall be opened, that an opportunity shall be given those who desire to subscribe for said stock, and said books shall be kept open for at least thirty days; and in the event of a larger amount being subscribed than the capital stock of said corporation,

then said subscribers shall be entitled to a pro rata number of shares of said stock as near as may be, and in proportion to the amount so subscribed; but each subscriber shall, at the time of subscribing, pay to the treasurer of said corporation ten per cent. of the par value of each share so subscribed.

§ 12. Before any maps, plans or profiles, showing the route for the railways hereby authorized, shall be filed in the manner before mentioned, and before taking any proceedings to acquire title to the lands and premises required therefor, it shall be the duty of said corporation to submit full and proper maps, etc., showing the location, width and extent of the lands proposed to be acquired and taken for the purposes of said railways, or of parts of the same, and also plans showing the proposed construction of said railways, unto a board of commissioners to be known as the "New York Railway Commissioners," consisting and constituted of the Governor of the State, the Mayor of the City, the Commissioner of Public Works of the City; and the approval in writing of said Commissioners, or a majority of them, of the route and plans as aforesaid, shall be a condition precedent to any proceedings by said corporation for acquiring title to any lands or premises required for such railway; and if, at any time hereafter, said corporation shall desire to build additional lines of railways, or branches from the railways hereby authorized, in any part of said city, or into and in Westchester County, by viaducts or otherwise, it shall be lawful for them to do so, and for that purpose to construct the necessary bridge or bridges across any river or stream, and to create and issue such additional amount of stock as shall be necessary therefor, and to construct, operate and maintain the same, and charge and collect fares for transit on and over the same, at not exceeding proportionably the rates hereinbefore mentioned; and all the provisions of this

act in relation to the viaduct or other railways hereinbefore mentioned shall be taken to be applicable, so far as the same may be applied to the additional lines or railway or branches provided for in this section, the same as if their routes and location had been included and mentioned in section 4 of this act; but no part or section of the route of said railway shall be constructed without the approval of said Railway Commissioners or a majority of them. Nothing herein contained shall be taken to authorize the laying of rails for the purposes of said railway upon the surface of any street or avenue of said city.

§ 13. For the proper equalization of the interests of shareholders who may subscribe and pay in moneys at different times, and for the equitable adjustment of profits upon stock and bonds subscribed and paid to advance the interests of said viaduct or railways or branches respectively, the directors of the corporation hereby created, may cause to be kept separate sets of books of account for each of said railways or branches, and receive subscriptions separately for each of said railways or branches and also issue stocks, bonds, scrip or other evidences of indebtedness and ownership, by or in each or either of said railways or branches separately; and said directors shall also have power to issue to shareholders, from time to time, as they may pay installments on the stock subscribed by them, scrip for interest on such payments, payable out of the earnings of said railways or branches respectively; and it shall be lawful for said directors to issue and sell bonds denominated "income bonds," secured by and payable with the interest thereon from the income of said railways or branches respectively.

§ 14. The corporation of the City of New York is authorized and directed, through its Comptroller, to subscribe for five millions of dollars of the stock

of said company, provided that no subscription for said stock shall be made without the approval of the Commissioners of the Sinking Fund of said city, and then only for such amounts within said sum as said Commissioners shall authorize. There shall be issued by said Comptroller, in the name of the city corporation, said amount of five millions of dollars in stock of the City of New York, which shall be known as the "New York Railway Fund Stock." The certificates representing said stock shall be signed by said Comptroller and countersigned by the Mayor, and sealed with the common seal of the city, attested by the Clerk of the Common Council. Said stock shall bear interest at not exceeding 7 per cent. per annum, and the principal shall be payable in annual installments; but no installments shall be payable within thirty years from the date of issue; the faith of said city corporation is pledged for its payment and the annual interest thereon. To provide the amount authorized by this section before said stock shall be issued, said Comptroller is authorized to issue revenue bonds, from time to time, in anticipation of the sale of said stock, payable at such times as he shall determine, and from the proceeds of said stock redeem and cancel such revenue bonds. The Board of Supervisors of New York County are authorized and directed to order and cause to be raised by tax, upon the estates by law subject to taxation in the City and County of New York, every year, the amount required to pay the annual interest on the loans authorized by this section, and also to raise in each year, when said stock shall become due and payable, the amount required for such purpose. The Comptroller is authorized and directed to pay said railway company the amount herein authorized to be subscribed by the city, from time to time, as may be called for by said railway company, and receive the certificates of stock of said company for the amount so paid. The interest of the city in said stock shall be repre-

mented by the Comptroller. On the completion of either of the branches or lines of said railway to the line of Westchester County, the Board of Supervisors of Westchester County may authorize the issue of the bonds of said county, redeemable in not less than 30 years from the date of their issue, for the purpose of aiding in the construction and extension of said railway through said county, to such amount as said Board of Supervisors may deem proper. And the Board of Supervisors of any county whose bonds are authorized to be issued for such purpose, shall annually raise by tax, on the estates, real and personal, of such county subject to taxation, an amount sufficient to pay the interest thereon, and at their maturity to redeem the same.

§ 15. Act takes immediate effect.

See ch. 808 of 1871.

1871. Chap. 605, p. 1306.

Passed April 19th.

AN ACT to amend the charter of the Harlem River and Port Chester Railroad Company.

§ 1. Said company in constructing its railroad under its act of incorporation passed April 23, 1866, and the amendment thereto passed May 8th, 1869, is required in all cases where its railroad intersects or crosses any highway in the town of Morrisania, between Harlem River and the Port Morris branch of the New York and Harlem Railroad, to conform the grade of its said railroad to the grades established by the Commissioners acting under authority of chapter 841 of the Laws of 1868.

§ 2. The time for the completion of said railroad and for said company to comply with the condi-

tions of its act of incorporation, and the amendments thereto, is extended two years, in addition to the time now allowed by law.

§ 3. Act takes immediate effect.

See ch. 763 of 1866 ; ch. 722 of 1869 ; ch. 48 of 1873.

1871. Chap. 658, p. 1436.

Passed April 20th.

AN ACT to amend an act entitled "An Act to
"to authorize the construction of a railway
"and tracks in the towns of West Farms and
"Morrisania," passed May 2, 1863.

§ 1. Section 9 of said act, as amended by chapter 892 of the Laws of 1867, is amended by adding at the end thereof as follows : It shall also be lawful, and the corporation formed under this act is authorized to lay railway tracks, and operate the same either through Lincoln avenue and 133d street, or through both of said street and avenue, in the town of Morrisania, if necessary, to connect with the ferry of the Morrisania Steamboat company.

§ 2. Section 3 of said act is amended to read as follows :

§ 3. The rails to be laid on said route shall be of the most approved pattern of the weight of not less than thirty pounds to the lineal yard, and the said grantees or their successors shall keep the surface of the street inside of the rails and for one foot outside thereof, in good and proper order and repair, and conform the tracks to the grades of the streets or avenues as they now are or may hereafter be changed by the authorities of said towns.

§ 3. Act takes immediate effect.

See ch. 361 of 1863; ch. 715 of 1865; ch. 815 of 1866; ch. 892 of 1867; ch. 517 of 1873.

1871. Chap. 742, p. 1705.

Passed April 26th.

AN ACT in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire alarm telegraph, the incumbrance of hydrants, and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties on the Board of Fire Commissioners of the said City.

§ 9. * * * The said Fire Commissioners are authorized and empowered to permit the Metropolitan Fire Extinguishing Company to lay pipes through and along any of the streets etc. in said city, for the purpose of extinguishing fires, under such rules and regulations as shall be prescribed by the Commissioner of Public Works. Said Commissioners are empowered to provide for the laying on the railway tracks of the city over the hose used by the department such hose-bridges as they may deem necessary; and the various horse and steam railway companies running cars within the limits of the city shall, after the passage of this act, provide and use such hose bridges as may be designated by said Commissioners. Such bridges shall be paid for by the railway companies using them.

§ 16. Act takes effect June 1st, 1871.

1871. Chap. 808, p. 1836.

Passed April 28.

AN ACT supplementary to chapter 300 of the Laws of 1871, entitled "An act to incorporate the
 "New York Railway Company for the purpose of providing rapid transit through the
 "City and County of New York and Westchester County, and to provide for the construction and operation of railways therefor," and to amend the same.

§ 1. It shall not be lawful for the corporation of the City of New York, to make any subscription whatever to the capital stock of the said company, until other parties shall have actually subscribed for and taken at least one million of dollars of the stock of said company and paid thereon, to the treasurer of the company, in money at least ten per centum of the par value thereof.

§ 2. The property of said company shall be exempt from lien, and sale for taxes and assessments during the time allowed by said act for the final completion of the viaducts and railways thereby authorized; but if, at the expiration of that time, any of the real estate of the company shall not be in actual use for the purposes of a railway, taxes and assessments thereon shall be collected for the whole period of its ownership by the company, at the same rate or rates as the other taxes and assessments levied or imposed during the same period, and at a valuation proportionate to that of the adjoining property.

§ 3. Said company shall have full power to establish and fix the point at which the branches of its viaduct and railway shall diverge, as provided in the 4th section of said act, but said point shall not be north of Eighth street.

§ 4. The fares which said company is authorized to collect by the 9th section of said act shall be full fares, but children under twelve shall be carried, except in the special cars mentioned in said section, for half-fare.

§ 5. In no proceedings authorized by said act to acquire title to any lands etc., shall any greater or other notice to parties owning or interested in the lands etc. be necessary or required than is required to be given in the case of applications by the city corporation to acquire title to lands for use as public streets; except that such notice shall be not less than ten nor more than twenty days, and shall be given by publication thereof in at least four daily newspapers published in the city. The use which said company is authorized by law to make of any lands, streets etc. shall be taken to be a public use.

§ 6. Said company shall have power to build a branch railway from any of its tracks or railways across any lands, streets etc. to connect with any other railroad authorized by law, and to agree with the owners of such railroad for the running of trains partly on one road and partly on the other.

§ 7. Act takes immediate effect.

1871. Chap. 862, p. 1943.

Passed April 28.

AN ACT relating to the New York and White Plains Railroad Company.

§ 1. Said company, organized under the General Railroad Act, and the acts amendatory thereof, is authorized to construct bridges with draws of

suitable widths to accommodate the wants of commerce, across the Bronx River at points where the same is intersected by said railroad.

§ 2. Act takes immediate effect.

1871. Chap. 906, p. 9051.

Passed May 10.

AN ACT to incorporate the Weehawken Transportation Company.

§ 1. C. A. Wortendyke, Isaac Demarest, Hezekiah Watkins, Henry R. Low, Delos E. Culver, John Rutherford and Walter M. Conkey, and their present and future associates, their successors and assigns, are created a body corporate and politic by the above name, for the purpose of establishing a ferry between some suitable point or points in New York City and the township of Weehawken, Hudson County, with power to build boats, wharves, etc., and all other improvements necessary to carry out the objects of the corporation, with the privilege of asking and receiving such reasonable rates of toll as by the by-laws of said company may be established, such tolls not to exceed the rates now taken at the Weehawken ferry; and also to lease, purchase and hold such real and personal estate as may be necessary for the purposes of the corporation, and to sell, lease, allot and parcel the same or any part thereof, in such manner as said corporation may determine, together with all the powers and privileges, and subject to such restrictions, etc., as are specified in "An act concerning corporations," approved April 14, 1846.

§ 2. The capital stock shall be six hundred thousand dollars, shares one hundred dollars each, and

such shares shall be deemed personal estate; and said company may grant certificates of shares in full or in part payment for the real or personal estate, ferry-boats and other property that may be purchased or leased by said company, and by the by-laws compel payments of installments not exceeding ten dollars on each share at any one time not deemed or declared full stock, and on failure to pay any installment, forfeit the stock and all previous payments thereon, giving at least sixty days' notice of such call and demand in one newspaper published in Hudson County, and one in New York City.

§ 3. Said corporation may establish a ferry from the township of Weehawken, Hudson County, or its immediate vicinity, to the City of New York; construct wharves, or such other improvements as may be made thereon by said corporation; erect ferry houses and other buildings, and keep up and maintain the same; issue their bonds, to be secured by a mortgage, or otherwise, to the amount of five hundred thousand dollars, in such denominations, and payable in such time, as the directors of said company may deem best; provided, the same shall not obstruct the navigation of the Hudson River, nor in any way impair the rights of the State to any lands under water.

§ 4. The persons named in the first section shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the first Tuesday in May, 1872, or until others are elected or appointed in their stead; and said persons are authorized to open books of subscription to the capital stock of said company at such time and place as they may think proper, by giving at least one week's notice in one newspaper published in New York County, and, when one hundred thousand dollars shall have been sub-

scribed, said company may commence operations as authorized by this act.

§ 5. The property and affairs of the company shall be managed by seven directors, shareholders; the President shall be appointed from the directors, and the directors shall have power to make all needful by-laws not inconsistent with the laws of this State or the United States.

§ 6. The annual election for directors shall take place on the first Tuesday in May, 1872, at some convenient place in Hudson County or in New York County, between 12 o'clock noon and 4 o'clock in the afternoon. All elections shall be by ballot, and each share shall be entitled to one vote, by person or proxy. One week's previous notice shall be given in one newspaper published in New York County; and if from any cause an election for directors shall not take place at the appointed time, it shall not therefore work a forfeiture of the charter, but a new election shall be ordered in conformity to the by-laws.

§ 7. No transfer of stock shall be valid or effectual until entered or registered in the book or books to be kept by the president or directors for that purpose; which book or books shall be closed for the purpose of transfer of said stock fifteen days before each election for directors, and no person shall be allowed to vote on any stock unless the same has been transferred to him, and registered in said transfer books more than fifteen days prior to the election; and all the books of said corporation shall be opened to the inspection of the stockholders, except said transfer books.

§ 8. It shall not be lawful at any time hereafter for any person, having control of any steamboat or other vessel, to touch or land at said wharves, etc., of said corporation, or to receive, or land or

discharge any passengers or freight at said wharves, etc., or such other improvments as shall be made thereon by said corporation, unless in case of distress, without consent first obtained from said corporation.

§ 9. This act shall continue in force fifty years ; and unless said company, within five years from the passage of this act, shall have established a ferry, and have the same in operation so as to accommodate the inhabitants, this act shall be void.

§ 10. Act takes immediate effect.

1871. Chap. 944, p. 2168.

Passed June 12

AN ACT to authorize the construction of gas works, and the manufacture and sale of gas for the purpose of lighting a portion of the City of New York, and the streets, avenues, squares and buildings therein, and to lay pipes for that purpose.

§ 1. Isaac P. Martin and others and their assigns are authorized and empowered, at any time hereafter, to make and sell gas, made of coal, or other materials, to be used for the purpose of lighting all that portion of the City of New York lying north of the center line of Seventy-ninth street, including all of Central Park, in its entire width and length, and all streets, parks, etc. etc., within the limits aforesaid, and any buildings, manufactories or houses contained within said limits, and to lay pipes for the purpose of conducting the gas in any streets, parks, etc., of said portion of said City, and in said Central Park, and to adopt any other necessary means to furnish gas to any in-

habitant in said portion of said City, and to said Central Park; and said persons and their assigns shall so conduct their manufactures of gas as not to create a nuisance, and in digging and laying pipes in any public street, etc., the same shall be done in a proper and workmanlike manner, with as little delay and inconvenience to public travel as practicable, and without injury to the Croton pipes; and the surface of such street, etc., shall thereupon, be immediately restored and repaired by said persons, or their assigns, to the condition in which it was immediately before the laying of such pipes. Nothing herein contained shall be so construed as to authorize the laying of any gas pipes, or other conduit for the transmission of gas, or the construction of any works, buildings or erections, or the lighting of any road, etc., within Central Park, or within or upon any of the parks, streets, etc., which are under the control of the Department of Public Parks, without the consent of said Department first obtained. The rights and privileges hereby granted are exclusive; but shall not be construed to affect or impair any exclusive rights or privileges, if any, vested in any incorporated company in said city.

§ 2. Said persons and their assigns may purchase and hold real estate necessary and convenient for the purposes aforesaid, and erect and maintain all necessary and convenient buildings, fixtures and machinery for the purposes aforesaid, and incident or necessary thereto.

§ 3. If any person wilfully do or cause to be done any act, whereby the works of said persons, or of their assigns, or any conduit, reservoir, machine, or structure etc., or other thing appertaining to the same shall be stopped, obstructed or impaired, weakened, injured or destroyed, the person so offending shall forfeit and pay to the said persons, or their assigns, treble the amount of the

damage sustained by means of such offense or injury, to be recovered by said persons or assigns, with costs of suit, in any Court having cognizance thereof. The persons named in the first section or their assigns, shall, within 90 days after the passage of this act, select by the ballots of a majority thereof, not less than seven, nor more than thirteen of their number, as an executive committee, who shall have the control and management of the business authorized to be carried on by the provisions of this act. The first five persons named shall give at least five days' notice, in two daily papers published in New York City, of the time and place at which said executive committee shall be elected.

§ 4. This act shall be deemed a public act, and be favorably construed for the purposes herein expressed and declared, in all Courts and places whatsoever.

§ 5. Act takes immediate effect.

1872. Chap. 136, p. 353.

Passed March 26.

AN ACT relating to the New York and Long Island Ferry Company.

§ 1. Said company, incorporated pursuant to "An act to authorize the formation of corporations for ferry purposes," passed April 9th, 1853, and the several amendatory acts, is authorized and empowered to establish, maintain, and operate steam ferries across the East river, to run from some convenient and practicable places between the south line of North Second street and the mouth of Bushwick Creek, Brooklyn, and some like places between the north line of Houston

street and the north line of East 14th street, New York city.

§ 2. Said company shall provide safe and suitable steam ferry boats, of capacity to accommodate passengers, horses, and vehicles of conveyance and drayage. But said company shall charge no higher rate for ferriage of foot passengers than two cents for each, and no higher rate for horses and vehicles than is now established as the rate of ferriage by the Union Ferry Company of Brooklyn.

§ 3. If it shall become necessary for said company to procure the consent of any person or corporation for any franchise or interest belonging to such person or corporation, said company shall have power to procure the same; but nothing herein shall be so construed as to take away or impair any right or franchise owned by the cities of New York or Brooklyn; but the proper authorities of said cities may lease to said company any slip or slips under their charge, between the lines designated in section one of this act, in said cities within which the ferries of said company are hereby established, in the manner now provided by law for the purpose of taking up and landing passengers and vehicles, in accordance with the intention of this act.

§ 4. Act takes immediate effect.

1872. Chap. 188, p. 523.

Passed April 8.

AN ACT to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East River to Green Point, in the city of Brooklyn.

§ 1. The lessee or his assigns of the ferry across
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the East River from 10th street, New York, to Green Point, Brooklyn, shall, on and after the expiration of sixty days from the passage of this act, provide and navigate on said ferry two good etc. steam ferry-boats, which shall be so run that one shall leave each slip as often as once every fifteen minutes between 5 A. M. and 9 P. M., and every half hour from 9 P. M. until 1 A. M.

§ 2. An identical provision as to the 23d street ferry.

§ 3. If the lessee or his assigns of either of said ferries, on or after the expiration of said sixty days, shall fail to comply with the provisions of this act, it shall not be lawful for him or them to charge or receive more than the following rates of ferriage: for each foot passenger, 2 cents; each one-horse carriage, with horse and driver 15 cents; each two-horse carriage, with horses and driver 20 cents. And if in such case said lessee or his assigns, or any employee of him or them shall demand or receive any higher rates of ferriage than those established hereby, said lessee or his assigns shall forfeit to the party aggrieved, twenty-five dollars for each and every offense, to be recovered before any justice of the peace, or in any court of the State having cognizance thereof.

§ 4. Any deviation from the requirements aforesaid caused by ice, wind, tide, or unavoidable accidents shall not be held to be a violation of such requirements and directions.

§ 5. Act takes effect immediately.

1872. Chap. 228, p. 581.

Passed April 13.

AN ACT to regulate a ferry between the cities of
New York and Brooklyn.

§ 1. The company etc. owning or managing the ferry now and heretofore operated between Bridge street, Brooklyn, and a point between James and New Chambers streets, New York city, are required to so run said ferry that the boats thereon shall make a trip each way between said points as often as once in every fifteen minutes, between 5 o'clock A. M. and 10 o'clock P. M. of every day.

§ 2. Any deviation from said requirements, caused by ice, wind, tide or unavoidable accidents, shall not be a violation of such requirements and directions.

§ 3. Act takes immediate effect.

1872. Chap. 240, p. 641.

Passed April 16.

AN ACT to authorize the Second Avenue Railroad Company in the city of New York to extend their tracks and operate the same.

§ 1. Said company is authorized to construct and use, in connection with their present tracks, an additional track in Second Avenue from 23d street to Houston street, and a single track thence along Houston street and Forsyth street to Division street, and thence along Division street, with a double track to connect with their present tracks in Chatham Square, and an additional track in Grand street from Forsyth to Chrystie street, and along Chrystie street to Division street; also a double track from, and connecting with, the

tracks of said company at the junction of Second Avenue and Stuyvesant and 10th streets, thence along Stuyvesant street across 3rd Avenue, 8th street, and 4th Avenue, to and along Astor Place to the easterly side of Broadway; also a double track from First Avenue, along 63rd street and 64th street, to a point 200 feet distant from Third Avenue, and in First Avenue between 63d and 64th streets, to connect with the same; also a double track in 86th street, from Second Avenue to Avenue A, and thence along Avenue A to 92d street, and along 92d street to the East River; also a double track from their present tracks in Chatham Square, through and along Worth street to Broadway, together with all necessary switches, curves, turn-outs, and side-tracks for the complete operation of their said road and extensions herein granted.

§ 2. In the construction, operation or use of said road, as hereby authorized to be extended or constructed upon said streets and avenues, should said company deem it necessary or proper to run upon, intersect, or use any portion of other railroad tracks, now or hereafter laid upon said streets and avenues, then said company is authorized so to do, and in case agreement shall not be made with the owner of such other railroad tracks in respect to the compensation to be made therefor, the amount of such compensation shall be ascertained and determined in the manner provided by subdivision 6 of section 28 of the General Railroad Act of eighteen hundred and fifty.

§ 3. Said company shall make compensation to the City Corporation for the value of the rights and privileges herein granted or authorized; which compensation shall be ascertained and determined in the manner, as far as applicable, provided for fixing compensation for railroad rights and privileges by the aforesaid general railroad

act, that is to say, before said additional railroad tracks or extensions shall be put in practical operation, or said rights and privileges be made available, said company shall apply to the Supreme Court for the appointment of three commissioners to appraise and determine the amount of compensation which shall be paid annually, or in gross sum, to the said City Corporation as such compensation for the rights and privileges herein granted. Such application shall be made on not less than ten days' notice to the said City Corporation of the time, place and object thereof. The decision of said commissioners so appointed, or a majority of them, as to the amount of such compensation, shall be final and conclusive as to said company and said Corporation; and the amount so fixed and determined shall be paid to the Commissioners of the Sinking Fund of the said city by said company, within thirty days after the same becomes payable according to the decision aforesaid, and applied to the reduction of the debt of said city.

§ -. Act takes immediate effect.

1872. Chap. 521, p. 1209.

Passed May 6.

AN ACT to amend an act entitled "An act to authorize the construction of a railroad through Twenty-third street, in the city of New York, passed May tenth, eighteen hundred and sixty-nine," so as to authorize the comptroller of the city of New York to carry into effect the powers conferred by the first section of the above act upon the Commissioners of the Sinking Fund of the city of New York, in relation to the advertisement and sale of the franchise for building such railroad to the highest bidder on paying the amount of such

bid or giving security for such payment satisfactory to said comptroller, to issue the certificate of title to such grant mentioned in said first section of said act to Sidney A. Yeomans or to his assigns, and granting all the rights, privileges, powers and benefits conferred and prescribed in the second, third and fourth sections of said act to Sidney A. Yeomans and his assigns, and requiring him or his assigns to finish, complete and equip said road within eight months from the time of receiving such certificate.

§ 1. Said comptroller is authorized and directed, on payment into the city treasury, by Sidney A. Yeomans, of the sum of one hundred and fifty thousand dollars, that being the amount of his bid which was accepted, and tendered to the Commissioners of the Sinking Fund, on June 10th, 1869, or upon the giving of such security for the payment thereof as shall be satisfactory to said comptroller, to issue to said Yeomans, or to whoever said Yeomans shall assign the same, the certificate required to be issued by said Commissioners of the Sinking Fund in and by the provisions of the act of the Legislature, entitled and passed as above, that he or they and their successors and assigns are entitled to the grant of the rights, privileges and franchises mentioned, described and conferred in and by said act.

§ 2. Said Yeomans and his assigns, on receiving such certificate, shall thereby be invested with all the rights, privileges, benefits and franchises that might or could be given, granted or conferred upon him and them by the Commissioners of the Sinking Fund, under any and all the provisions of said act or by said act.

§ 3. All rights, privileges, powers and benefits, granted, conferred and prescribed in and by sections

two, three and four of said act, shall inure to the benefit of said Yeomans and his assigns in the same manner, and be of the same effect as if said Commissioners of the Sinking Fund had received and accepted the tender of said amount and issued the certificate required by said act, provided only, that said Yeomans and his assigns should be required to finish, complete and equip said road, within eight months from the time of receiving said certificate.

§ 4. Should said Yeomans or his assigns be restrained or prevented by legal proceedings from constructing and completing said road, the time during which they are so restrained shall not be deemed a part of the time within which the same is to be completed.

5. Act takes effect immediately.

Amends ch. 523 of 1569.

1872. Chap. 545, p. 1256.

Passed May 6th.

AN ACT to open, widen, straighten, work and grade Third avenue in the Town of Morrisania.

§§ 1 to 16, inclusive, provide for the appointment of Commissioners to open, etc., Third avenue, from the northerly line of north New York, to the northerly line of the Town of Morrisania, and for their proceedings in so doing.

§ 17. * * * * It shall be the duty of the New York and Harlem Railroad Company to construct a bridge along said avenue, the whole width thereof, over their track leading to Port Morris, in the manner required by said Commis-

sioners; and if they shall neglect or refuse so to do said Commissioners shall have power to construct the same, and recover the cost thereof from said company by action.

§§ 18, etc., provide for the raising of money for the improvement of said avenue.

1872. Chap. 690, p. 1646.

Passed May 14th.

AN ACT to amend an act entitled "An Act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the City of New York, and to erect a building or buildings which shall be used as an industrial exhibition," passed April twenty-first, eighteen hundred and seventy.

* * * * *

§ 12. The company shall have the right to build over any avenue or street now closed by law, but shall not build over any other avenue or street, nor obstruct the travel thereon, except with the permission of the Common Council of said city upon the recommendation of the Department of Public Works.

* * * * *

See ch. 335 of 1870.

1872. Chap. 702, p. 1674.

Passed May 14th.

**AN ACT to improve and regulate the use of the
Fourth avenue in the City of New York.**

§ 1. The New York and Harlem Railroad Company is authorized and required to regulate the grade of their railroad in Fourth avenue in this city, and to construct such viaducts, foot and road bridges over the same, and such excavations and tunnels under the same, with openings for proper ventilation, for the purpose of rendering the same safe and convenient to any persons crossing the same, and the railroad trains and passengers traveling thereon, in the following manner: At Forty-fifth and Forty-eighth streets, to construct tunnels under said streets and Fourth avenue for sidewalks and carriage ways underneath the railroad at least thirty-four feet wide, or bridges over the railroad of at least that width, for the same purpose, and at Forty-sixth, Forty-seventh and Forty-ninth streets tunnels under the said streets and the avenue, or bridges over the same, at least twelve feet wide, for foot passengers. Said tunnels or bridges shall have easy approaches, and the tunnels shall be dry and thoroughly ventilated and lighted. Between Forty-eighth and Forty-ninth streets the grade of the railroad shall commence to descend, and shall descend as rapidly as the operation of the road will permit, so that at Fifty-sixth street the grade of the railroad shall be thirteen feet six inches below the grade of the avenue; thence to Ninety-sixth street the road shall run through a covered way, with openings in the coverings not to exceed one hundred and fifty feet in length, and twenty feet in width in each block; thence continuing upon the present grade to the centre of 105th street, thence descending

at the rate of about forty feet to the mile to the centre of One Hundred and Twentieth street, where said grade shall be fourteen feet one inch below the grade of the avenue; thence descending at the rate of about twelve feet and four-tenths of a foot to the mile to the centre of One Hundred and Twenty-ninth street, where the said railroad grade shall be eleven feet below the grade of the avenue; thence ascending at the rate of twenty-six feet and four-tenths of a foot to the mile to the centre of One Hundred and Thirty-third street to and upon the present grade of the railroad; the grade of said road at Fifty-ninth street shall not exceed fifteen feet six inches below the grade of said avenue as established by law. At Seventy-fourth street it shall not exceed thirteen feet six inches, and at Seventy-ninth street shall not exceed twelve feet. At Fiftieth and Fifty-first streets elevated bridges of iron for foot passengers shall be constructed over the railroad. Between Fifty-second and Fifty-third streets a bridge shall be constructed for foot passengers and carriages over the railroad, with approaches parallel with the railroad, and at Fifty-fourth and Fifty-fifth streets bridges of iron shall be constructed for foot passengers over the railroad; and from Ninety-eighth street to One Hundred and Fifteenth street, the railroad shall be carried upon a viaduct, with stone arches or iron bridges in said viaduct over the cross or intersecting streets above One Hundred and First street, to and including One Hundred and Thirteenth street. Between One Hundred and Seventeenth and One Hundred and Eighteenth streets, a bridge shall be constructed over the railroad with parallel approaches, the same as before provided between Fifty-second and Fifty-third streets; from One Hundred and Nineteenth street to One Hundred and Twenty-ninth street inclusive, iron bridges over the railroad shall be constructed upon the line of each street the full width of the street.

At One Hundred and Thirtieth and One Hundred and Thirty-first streets, iron bridges for foot passengers shall be constructed over said railroad; between Forty-fifth and Forty-ninth streets, including said streets, iron railings or brick walls shall be erected in said streets, outside the railroad tracks, so as to prevent crossing at a level with said railroad tracks. A coping and iron railing shall be constructed upon the parapet and retaining walls along the said improvement, wherever said roadway runs through an open cut, and also around the openings between Fifty-sixth and Ninety-sixth streets.

§ 2. During the progress of the work said company is authorized to lay down such additional temporary tracks on Fourth avenue, above Forty-second street, as may be necessary for the railroad business during the progress of the work, and such tracks shall be removed when the work shall be completed, and said company is authorized, for the purpose of facilitating rapid transit and accommodating local traffic, to lay down permanently two additional tracks on said avenue, and to make such landings and excavations in said avenue as may be required for such additional tracks, with landings for the entrance and delivery of passengers outside of said excavations and viaduct.

§ 3. Whenever it shall be found advisable or necessary to alter the grade of the streets crossing said avenue or of said avenue, where said road shall pass through a covered way, the same may be done by said company, but so as not to interfere with the free use of the streets by the public.

§ 4. The side walks on Fourth avenue between Forty-ninth and Fifty-sixth streets, and between Ninety-sixth street and Harlem River, shall not exceed fifteen feet in width.

§ 5. Whenever necessary in the progress of said work to remove or alter the Croton water pipes, sewers or gas pipes on said avenue, the same shall be done by the department or corporation having charge thereof, so as not to interfere with said work.

§ 6. There shall be a Board of Engineers, whose duty it shall be to execute, direct and superintend the construction of said improvement, to be called the Board of Engineers of the Fourth Avenue Improvement. It shall be the duty of said Board to file a monthly statement, under oath, of the items of their expenditure with the comptroller of the city. Regular accounts of all their transactions shall be kept by the Board, which shall be open to the inspection of the officers of said railroad company, and to the comptroller of the city. Said Board are authorized to pass suitable by-laws for their own regulation and government, and to select a presiding officer and secretary from their own number. They shall keep a record of all their proceedings. Said Board shall consist of four members, namely: Allan Campbell and Alfred W. Craven, or their successors, and the chief engineer of the Board of Public Works of said city for the time being, and the engineer of said company.

In case of the death, removal or resignation of said Campbell or Craven, or their or either of their successors, the vacancy shall be filled by the remaining members of the Board. Said Board is authorized and directed to take entire charge and control of said improvement, and to execute the same in conformity with the provisions of this act, in a substantial and workmanlike manner. Said engineers shall receive eight dollars each for every day they shall be employed in the performance of their duties under this act. They may appoint one of their number as a general superintendent

of the work. Said Board shall prepare plans and specifications of said improvement in conformity with this act, and an estimate of the expenses thereof, and file a copy of such plans, specifications and estimate in the office of the city comptroller. The members of said board, before entering upon the performance of their duties shall severally take and subscribe an oath or affirmation before some judge of a court of record in the City of New York, faithfully to perform the trust and duty required of them by this act and as a member of said Board of Engineers, which shall be verified by such judge and filed in the office of the said comptroller.

§ 7. When said plan, specifications and estimate shall be made and filed as aforesaid, the expense and cost of said improvement shall be borne and paid by said company and the city corporation in equal proportion as the construction of said improvement progresses. When and as often as it shall appear by the certificate of the superintending engineer of the work on said improvement that the sum of twenty-five thousand dollars has been expended thereon by said company, specifying the portions and divisions of said improvement where said expenditure has been made, the comptroller of the city shall draw his warrant upon the city treasury in favor of the treasurer of said company for one-half of said sum, which shall be duly signed and countersigned by the proper officers of the city, and delivered to said company for and on account of the one-half of the expense and cost of said improvement to be borne and paid by the said city as aforesaid.

§ 8. For the purpose of raising the sum or amount of one-half of the estimated expense and cost of said improvement, to be borne and paid by the city and county of New York, one-half of the proportion or amount to be borne and paid as

aforesaid, or one-fourth of the whole estimated expense and cost, shall be raised by a tax on the real and personal property subject to taxation in the City and County of New York, and included in the tax levy for the year 1872, and the remaining sum or one-half of the proportionate amount to be borne and paid by said city and county, shall be raised in like manner and included in the tax levy for the year 1873. The comptroller of the city is authorized and directed to issue revenue bonds of the city, in anticipation of the amount to be raised by taxation for the expense and cost of said improvement in each year, to provide the means for paying the said proportion of said city towards said expense and cost, before said tax shall be collected, not to exceed the due proportion to be borne and paid by said city in each of said years 1872 and 1873; such bonds to be issued and sold at not less than par. So much of the proceeds of said tax for each of said years as may be necessary for the purpose shall be applied to the payment of the revenue bonds to be issued as aforesaid. It is hereby intended and declared that the payments by the City of New York are to be made in the proportion and as fast as they are made by said railroad company during the progress of the work on said improvement.

§ 9. The city corporation is forbidden to obstruct said improvement or the use of Fourth avenue for that purpose above Forty-second street; and said municipal corporation is authorized and directed to pass and adopt such ordinances as may be requisite or necessary to facilitate said improvement. Said tunnel and railways shall be exclusively for the uses and purposes of said railroad company, and it shall not be lawful for any person, other than a public officer in the execution of his duty, as such, with his agents and assistants, to enter or pass upon or through the same, or any portion thereof, on foot or in any other way than

in the proper cars of this corporation provided for that purpose, without the consent of said corporation, under penalty of fifty dollars for each offense, to be recovered by this corporation.

§ 10. Said Board of Engineers shall begin said improvement and proceed to the completion thereof with reasonable expedition. When completed, said railroad company are authorized and directed to run by steam their trains (and such trains of other railroads as shall have obtained the consent of the New York and Harlem Railroad Company) over said improvement and the route of said railroad, and in and upon their depot at Forty-second street, and the switches, turnouts and sidings, now authorized by law, north of said street.

§ 11. The Legislature may at any time alter, amend or repeal this act.

§ 12. Act takes immediate effect.

See ch. 485 of 1875.

1872. Chap. 825, p. 1954.

Passed May 22d.

AN ACT to authorize and require the New York and Harlem Railroad Company to extend their tracks through certain streets and avenues of the city of New York, for the use of their small cars only.

§ 1. Said company is authorized and required to extend their tracks in Madison avenue, from said tracks at Seventy-ninth street, along Madison avenue, by single or double track, to Eighty-sixth street; thence along Eighty-sixth street, by single or double track to Avenue A; thence along Avenue

A, by single or double track, to Ninety-second street; thence along Ninety-second street, by single or double track, to Astoria Ferry, East River; also to lay down a single or double track, from their track in Madison avenue at Eighty-sixth street, through and along Madison avenue as far as it may from time to time be opened; together with the necessary switches, curves, turnouts and side-tracks for the complete operation of their railroad and the extension herein provided for; said extended tracks to be for the use of their small cars only. This act shall not be construed to allow said company to demand or receive more than eight cents fare for each passenger for any distance, and not more than six cents for any distance below Forty-second street.

§ 2. In the construction, use and operation by said company of the tracks and extensions authorized hereby, the company shall have and exercise the same rights and privileges now possessed and exercised under former grants and laws; and may use said road in connection with the roads of other railroad companies in said city, upon such terms as may be agreed upon between said company and other railroad companies.

§ 3. Said company shall make compensation to the city corporation for the value of the rights and privileges herein granted or authorized, which compensation shall be ascertained and determined in the manner, as far as applicable, provided for fixing compensation for railroad rights and privileges by the General Railroad Act of 1850; that is to say, before said additional tracks shall be put in practical operation, or said rights and privileges made available, said company shall apply to the Supreme Court for the appointment of three Commissioners to appraise and determine the amount of compensation which shall be paid annually, or in a gross sum, to the city, as such compensation

for the rights and privileges herein granted. Such application shall be made on not less than ten days' notice to the city, of the time, place and object thereof. The decision of said Commissioners so appointed, or a majority of them, as to the amount of such compensation, shall be final and conclusive as to the company and the city corporation; and the amount so fixed and determined shall be paid to the Commissioners of the Sinking Fund of the city by said company within thirty days after the same becomes payable according to the decision aforesaid, and applied to the reduction of the debt of said city.

§ 4. Act takes immediate effect.

At a Special Term of the Supreme Court held for the County of New York at the County Court House in the City of New York on the 10th day of March, 1885.

Present, HON. CHARLES H. VAN BRUNT, Justice.

<p>IN THE MATTER</p> <p>OF</p> <p>THE APPLICATION OF THE NEW YORK AND HARLEM RAILROAD COMPANY, &c., &c.</p>	}
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The New York and Harlem Railroad Company pursuant to the provisions of an Act of the Legislature of the State of New York entitled "AN ACT to authorize and require The New York and Harlem Railroad Company to extend their tracks

through certain streets and avenues of the City of New York for the use of their small cars only," passed May 22nd, 1872, having applied to the Supreme Court for the appointment of three Commissioners to appraise and determine the amount of compensation which shall be paid annually or in a gross sum to The Mayor, Aldermen and Commonalty of the City of New York as such compensation for the rights and privileges granted by said Act, and not less than ten days notice of the time, place and object of such application having been given to the said Mayor, Aldermen and Commonalty and the Supreme Court having appointed William E. Tefft, John H. Sherwood and Thomas J. Miller, Esquires, three disinterested and competent freeholders who reside in the County of New York where said premises are situated Commissioners to appraise and determine as aforesaid, and the said Commissioners having first severally taken and filed their oath of office as such Commissioners and having viewed the premises and having heard the proofs and allegations as well of the Mayor, Aldermen and Commonalty of the City of New York who appeared before the said Commissioners by the Counsel to the Corporation, as of the New York and Harlem Railroad Company, and having duly considered the whole matter have made the following decision as to the amount of such compensation, to wit:

For the right and privilege of extending their tracks in Madison Avenue at Seventy-ninth Street through and along Madison Avenue by single or double track to Eighty-sixth Street, thence through and along Eighty-sixth Street by a single or double track to Avenue A., thence through and along Avenue A., by single or double track to Ninety-second Street, thence through and along Ninety second Street by single or double track to Astoria Ferry, East River, together with the necessary switches, curves, turnouts and side-tracks for the

complete operation of their railroad and the extension herein provided for, the said company shall pay to the said Mayor, Aldermen and Commonalty on the first day of November in each year for and during the first five years after the commencement of the operation of its road on Eighty-sixth Street, east of Madison Avenue, the sum of three per cent, of its gross receipts from every passenger who shall be carried on said cars upon said extension east of Madison Avenue for and during the year ending the next preceding thirtieth day of September, and after the expiration of said five years the said company shall pay annually unto said Mayor, Aldermen and Commonalty five per cent., instead of three per cent., of said gross receipts—and for the right and privilege of extending their tracks in Madison Avenue at Eighty-sixth Street through and along Madison Avenue northerly as far as it may from time to time be opened together with the necessary switches, curves, turnouts, and sidetracks for the complete operation of their railroad and the extension herein provided for the aforesaid tracks to be for the use of their small cars only, the decision of the said Commissioners is that the said New York and Harlem Railroad Company shall as such compensation pay to the said Mayor, Aldermen and Commonalty annually on the first day of November in each year for and during the first five years after the commencement of the operation of its road on Madison Avenue northerly from their track at Eighty-sixth Street the sum of one dollar, and after the expiration of the said five years said company shall on the first day of November in each year during the next five years pay to said Mayor, Aldermen and Commonalty as such compensation, three per cent. of its gross receipts for every passenger carried on such extension during the year ending the next preceding thirtieth day of September and after the expiration of the said second term of five years said company shall as such compensation make a like annual payment

to the said Mayor, Aldermen and Commonalty of five per cent. instead of three per cent., of such gross receipts for every passenger carried upon such extension;

And the said Commissioners having made and filed their report embracing said decision, and a motion having been made on the part of the New York and Harlem Railroad Company to confirm the said report;

Now on hearing Mr. Henry H. Anderson of Counsel for the New York and Harlem Railroad Company and Mr. Thomas P. Wickes representing the Mayor, Aldermen and Commonalty of the City of New York, and on motion of Mr. Chauncey M. Depew attorney for the petitioner the New York and Harlem Railroad Company, it is

ORDERED that the said report of the said Commissioners be, and the same hereby is, in all things confirmed,

AND IT IS FURTHER ORDERED that an actual count shall be kept of every passenger carried over any part of either branch of the extension specified in the said Commissioners report and for whom payment is to be made according to said report and a quarterly return thereof made by the railroad company to the Comptroller of the City of New York duly verified and the original records of such returns shall be open to the examination of said Comptroller or his duly authorized agent.

Endorsed filed March 10, 1885.

60 cts. J. E. H.

(A. copy.)

[L. S.]

PATRICK KEENAN,
Clerk.

1872. Chap. 833, p. 1970.

Passed May 22d.

AN ACT to authorize the Metropolitan Transit Company to construct and operate certain railroads in the City of New York and to construct and use for railroad purposes two bridges across the Harlem River.

§ 1. The Metropolitan Transit Company is hereby created a body corporate and politic under said title. The principal office shall be in New York City. The capital stock shall be \$5,000,000,—50,000 shares,—\$100 each. Whenever, in the opinion of the original stockholders of said corporation, it shall be deemed necessary to increase the capital stock, and two-thirds of the representation of said stock shall vote for such increase before the completion of the railroad and bridges herein authorized to be constructed and operated, it shall be lawful to increase the capital stock of said corporation to not exceeding \$10,000,000, which increased capital stock shall be subject in all respects to the provisions herein contained, as to subscriptions and payments, as relate to the original stock herein authorized to be created. Work on said road shall not be commenced until ten per cent. of the capital stock shall have been paid in, in cash.

§ 2. Henry E. Davies, Jr., John T. Connover, Charles F. Maurice, Daniel Clark Briggs, James B. Swain, Cyrus Frost and John J. Herrick, are appointed commissioners to open books and receive subscriptions to the capital stock of said corporation, upon such terms and conditions as a majority of said commissioners shall determine and publish, at least thirty days before the opening of said books, in at least four newspapers published daily, and having the largest circulation in New York City.

In case of the death, resignation or refusal to serve of either of said persons, a majority of said commissioners shall have power to fill the vacancy thereby created. Whenever, in the opinion of a majority of said commissioners, the books of subscription to the capital stock of said corporation shall have remained open a sufficient period for such subscriptions to have been made, they shall call a meeting of the subscribers to said capital stock (of which meeting, and the time and place of holding the same, not less than ten days' notice shall be given by publication in the papers in which the notice of the opening of the books was originally published) and, under the direction of said commissioners, the subscribers to said capital stock shall, in person or by proxy, proceed to elect thirteen directors of said corporation. At such election each share of the capital stock shall entitle the holder thereof to one vote. Said Commissioners shall be entitled to pay, from the proceeds of any subscriptions which may have been received by them, the necessary and proper expenses incurred prior to the election of said thirteen directors, and shall, on the organization of said Board of Directors by their election of a president, vice-president, secretary and treasurer, transfer to the treasurer of said corporation the balance remaining in their hands, after the payment of said expenses, together with the vouchers for such payments, and all books of subscription, and all other papers and books in anywise pertaining to the preliminary organization of said corporation. After the election of said Board of Directors, and the election by said Board of the officers heretofore named, the organization of said corporation shall be deemed to be in all respects perfected. It shall be the duty of the commissioners named in this section, forthwith after said election, to transmit to the Secretary of State a certified copy of the votes cast, and the names and residences of the directors chosen at said election, which certified copy shall

be duly filed by said Secretary of State in the archives of his office. The Directors so chosen shall hold their offices for one year, or until their successors are duly chosen. After the election of the Board of Directors provided for in this section, an election of directors shall be held on each succeeding anniversary of said election, except when such anniversary occurs on a legal holiday, when such election shall be held on the first succeeding business day.

§ 3. The corporation hereby created shall possess all the powers and privileges, and be subject to all the provisions of the general railroad act of 1850, and the several acts amendatory thereof, and additional thereto, except so far as the provisions of said acts are modified by or are [in]consistent with, the provisions of this act; and said corporation is authorized and empowered to construct, operate, maintain and use double track railways on the line hereinafter described, and necessary sidings and switches, depots and workshops, and to convey passengers, freight and property, in cars, propelled by steam or other power, for compensation, under, through and above the soil, and beneath and over certain streets, squares, etc., in the City of New York, as hereinafter specified; but said corporation shall have no right to acquire the use or occupancy of any of the streets or public places in New York City under the provisions of said acts, or by any agreement or grant of the city authorities, except such use or occupancy as is granted or provided for in this act, and except such temporary rights and privileges during the period of constructing said railways authorized in this act, as the proper authorities may grant to said corporation to facilitate such construction.

§ 4. Said corporation is authorized to construct, maintain and operate an elevated railroad, with a double track, above and along the following route

or routes; Commencing at Broadway, at a point opposite Bowling Green; thence through private property to Morris street, opposite Church street; thence through Church street to Canal street; thence through private property parallel to Green street, and at least seventy-five feet west from the westerly side of Green street to a point at least one hundred feet south of the southerly side of Houston street; thence on a curved line to a point at least seventy-five feet north of the northerly side of Bleecker street, at its intersection with Sullivan street; thence in a straight line westerly to McDougall street to a point at least seventy-five feet north of the northerly side of Bleecker street; thence with a curved line to a point at least seventy-five feet west of the westerly side of Sixth avenue, at West Washington place; thence parallel with Sixth avenue at least seventy-five feet west of the westerly side thereof, to the northerly side of Thirty-seventh street; thence with a curved line, to a point at least seventy-five feet west of the westerly side of Seventh avenue, to forty-second street; thence parallel to Seventh avenue, at least seventy-five feet west of the westerly side of Seventh avenue, to the northerly side of Fifty-fifth street; thence on a curved line to a point where Fifty-eighth street intersects Broadway; thence along Broadway and the westerly curve of the circle to the intersection of Broadway and Sixtieth street; thence with a curved line to Sixty-third street, at least one hundred and fifty feet west of the westerly side of Ninth avenue; thence parallel with Ninth avenue, at least one hundred and fifty feet west of the westerly side of Ninth avenue, to One Hundred and Seventy-first or One Hundred and Seventy-fifth street; thence with a curved line to the Harlem River. Also, from a point south of Forty-second street, on and to connect with the line heretofore described, easterly and northerly to the Grand Central Depot at Forty-second street and Fourth avenue; also a branch

from a point north of Fortieth street on and to connect with the line heretofore described, westerly and northerly to and across the Eleventh avenue to and to connect with the track or tracks of the Hudson River Railroad Company. Also, a branch from a point south of One Hundred and Seventy-fifth street, on and to connect with the line heretofore described, westerly and northerly to the Harlem River at Kingsbridge. The exact location of the lines of the three branches heretofore authorized shall be such as is deemed most practicable, and best calculated to promote the public interests, by a board to be composed of the State Engineer and Surveyor, the chief engineer of the Croton Aqueduct and an engineer to be appointed by the corporation hereby created. The necessary surveys and maps for determining the lines of said branches shall be made under the direction of said Board of Engineers, at the expense of said corporation. Steam or other equivalent motive power may be used for propelling cars and operating the elevated roads and branches herein authorized to be constructed and operated. Said corporation may also construct and operate a suspended railroad upon and along the route or routes heretofore described, on which animals may be used for moving the cars. Said corporation may also construct and operate a depressed or underground railroad, with a double track, from the northerly side of Canal street, under and along the line of said elevated railroad heretofore described, to a point north of 40th street; and thence westerly and northerly under and along the line of said elevated railroad, as it shall be determined by the said Board of Engineers, to and to connect with the track or tracks of the Hudson Railroad Company at a point south of 71st street. Also, a branch from the northerly side of Canal street, westerly and southerly to the freight depot of the Hudson River Railroad Company at the block or square formerly known as St. John's

Park. The exact location of said branch shall be determined by said Board of Engineers. Upon the depressed or underground railroad herein authorized, steam or other equivalent power may be used for propelling cars. If, in the construction of said depressed or underground railroad, it shall be found necessary to change the course or grade of any existing sewer, Croton water or gas pipe, such change shall be made in such manner as the engineer of the Croton Aqueduct shall deem most feasible, and at the expense of the corporation hereby created. Said corporation may also construct and use a bridge for railroad purposes across the Harlem River at the northern terminus of its roads, at or near High or Croton Aqueduct Bridge; also a like bridge, for like purposes, across the Harlem River at the northern terminus of its branch railroads at or near King's Bridge. Said bridges may cross said river on or above the ordinary grade of the bridge crossing said river on the line of the New York and Harlem Railroad Company. If it shall be determined to construct such bridges on a grade of less elevation than that of High Bridge, they shall be provided with draws or openings of such capacity as the said Board of Engineers shall determine to be necessary. If said bridges are constructed without such draws or openings, they shall be elevated to a height equal to that of the High or Croton Aqueduct Bridge. It shall not be lawful, in constructing such bridges, to use a greater number of piers or abutments than are used to sustain said High or Croton Aqueduct Bridge.

§ 5. For the purpose of making, etc., said railways, said corporation is authorized and empowered to enter upon, and underneath, and to cross above the several streets, avenues, squares, public places and lands on the routes hereinbefore specified, and to enter into and upon the soil of the same, to construct and maintain said railway along the route, and to the points herein specified

and contemplated; such railways to be constructed in the most thorough manner, and substantially upon the plans submitted to the railroad committees of the Senate and Assembly, by James B. Swain, on behalf of said corporation. In the construction of said railway, said corporation shall regard the proper care and preservation of the streets and public works of said city, and shall be subject to such reasonable rules and regulations as to the crossing of the streets with said railroads as the Commissioner of Public Works of said city may from time to time prescribe. Said railways shall be laid, constructed and operated upon property to be purchased or acquired. Said corporation may purchase, take and occupy a space not more than fifty feet wide upon and along the line or lines heretofore described and also make the necessary connections, stations, platforms, stairways, turnouts, switches, and conveniences for the proper working and accommodation of the railroads herein authorized. Said corporation may, however, purchase, take and occupy such spaces or ground at the several termini of said railroads, as may be deemed necessary for their accommodation.

§ 6. Such depressed or underground railway shall, wherever it crosses any public street, avenue, square, place or ground, be constructed at such depth below the surface and in such manner as effectually to prevent any interference with the surface of said streets, etc., or the use of the same, with such exceptions as are provided for in this act. There shall be placed suitable fences or railings across each of the back yards of the premises crossed by said depressed or underground railway, or through which the same may run. During the progress of construction it shall be lawful to make such excavations, openings and erections on or upon such streets, avenues, squares and grounds under which said railway shall be constructed, or

above which said railway tracks shall be laid, as shall be necessary from time to time. Half the width of said street shall be always kept open for public travel. In all cases the surface and pavements of said streets, etc., shall be restored by said company to as good condition as that in which they were before said excavations, openings or erections were made. Such elevated railway shall, wherever it crosses any public street, avenue, square, ground or place, be elevated at least fourteen feet in the clear above the curb of such street or avenue, or the level of such square, ground or place.

§ 7. Said corporation shall have the right to acquire the title to hold such real estate or interest therein as may be necessary to enable it to construct and operate said railways as herein provided, and to construct and maintain the proper platforms, stations, connections, stairways, switches, approaches and buildings, of said corporation at such points along the route as may be most convenient and most suitable for the ingress and egress of passengers and freight, and necessary for the operation of the railways for proper communication between said railways and platforms and said stations and buildings, and access thereto and for carrying out the purposes of this act. In case said corporation shall be unable to agree with the owner of any real estate, or of any property, rights, franchises or interests required by it in the construction and operation of said roads, or necessary depots, etc., connected therewith, as to the purchase of the same, or as to the terms upon which the same may be used in the construction or operation of said roads, said corporation may acquire the right to use, or title to the same, in the manner and by the proceedings prescribed for acquiring the title to real estate for railroad purposes, in and by the general railroad law of this State, passed April 2, 1850, and the

acts amendatory thereof, all the provisions of which, relating to acquiring the title to real estate, are hereby extended so as to apply to any property, rights, franchises or interests required in the construction of said railways, except that in the petition to the Supreme Court, in said proceedings, it shall only be necessary to describe the real estate, property, rights, franchises or interests which said corporation seeks to acquire; to aver that the same are required for the construction or operation of the railroads authorized by this act, describing particularly the proposed route of said roads, and to allege that said corporation has not been able to acquire title to said property, rights, etc., and the reason of such inability. Such proceedings may be instituted by said corporation before the Supreme Court of the First Judicial District. It shall not be necessary that the petition to the Court shall make any allegation of or reference to any corporations, capital stock, surveys, maps, or the filing of any certificate of location. Whenever it shall be necessary or convenient for the construction of said railways, turnouts, platforms, etc., etc., to temporarily take and use, during the construction of the same, the surface of any public grounds, parks or places on said route, no compensation shall be awarded or demanded for the same; but such use shall cease so soon as the construction of that portion of said railways is completed. In all cases the use of the streets, avenues, squares, grounds and public places, and the right of way under, through and above the same, for the purpose of railways, as herein authorized and provided, shall be considered and is hereby declared to be a public use, consistent with the uses for which the city corporation hold said streets, etc., except that where the route or routes of the railroads herein authorized to be constructed and operated shall be along any street, avenue or public place, said corporation shall compensate the city corporation for such use or oc-

cupancy of said streets, etc.; the amount of such compensation to be determined in the same manner as damages to private property.

§ 8. Said corporation shall be liable to the owner or lessee of any property along the route of said railways where said route passes through the blocks, for any damage which he or they shall sustain in the construction of such railways.

§ 9. Whenever the route or routes herein specified and contemplated for the construction and operations of said railways shall intersect with, cross or coincide with any horse railway tracks now occupying the surface of said streets and avenues, said horse railway tracks shall be carried over said depressed or under ground railways upon temporary bridges or structures; and such temporary bridges, etc., shall be so constructed as not to interfere with the practical operation or working of such street railways; and upon the completion of said depressed or under ground railway along such portions of the route thereof where such changes of the horse railway tracks may be made, the same shall be restored, as near as practicable, to the condition in which they were previous to the construction of such railway, and all such bridges and structures and restoration of tracks shall be made at the proper cost and charges of the corporation hereby created.

§ 10. It shall not be lawful for any person to enter or pass on or through the same, or any portion thereof, in any other way than in the proper cars of this corporation provided for that purpose, without the consent of said corporation, under penalty of fifty dollars for each offense, to be recovered by said corporation.

§ 11. Said corporation may collect and receive for the transportation of passengers the following

fares, to wit.: For one person any distance under three miles six cents, and for every mile or fraction thereof in addition two cents; provided, that said company shall not be required to accept a less rate of fare for any distance than six cents.

§ 12. Said corporation shall have six months from the time on the first election of directors within which to commence the construction of said railways, and one year thereafter within which to complete at least one of said railways to Harlem River, and one branch road to the Grand Central Depot at 42d street and Fourth Avenue; but the time during which delays may be caused by the pendency of legal proceedings for the condemnation of the right of way, or of legal proceedings instituted against said corporation, shall not be considered as forming any portion of the several periods limited by this section.

§ 13. Said corporation may not receive or deliver freight or passengers within the lines of any public square or park in New York City.

§ 14. Said corporation may issue mortgage bonds, the interest and principal of which shall be payable at such times and places as the Board of Directors shall determine, to an amount not exceeding the capital stock of said corporation. Any railroad company, whose line of road terminates in New York City, or at the south line of Westchester County, is authorized to subscribe and pay for such amount of the capital stock or bonds of the corporation hereby created, or may guarantee the payment of such amount of its bonds as may be mutually agreed upon by such company or companies and said corporation.

§ 15. Act takes immediate effect.

See ch. 636 of 1881.

1872. Chap. 834, p. 1980.

Passed May 22d.

AN ACT to incorporate the New York City Rapid Transit Company, and to authorize the said company to construct and operate an underground railway in the city of New York.

§ 1. Cornelius Vanderbilt and such others as he shall associate with himself are created a body corporate and politic, by the above name; said corporation shall continue for one hundred years from the passage of this act, and be located in New York City; capital stock \$12,000,000—120,000 shares—\$100 each.

§ 2. Said corporators may organize the management of the business and offices of said corporation by a board of thirteen directors, who shall be stockholders, and shall be elected annually by the stockholders; the first election of said directors shall be held in New York City, on a day and at a place determined by said corporators, and they shall give notice thereof to the shareholders in two newspapers published in the city, daily for fifteen days preceding the day of such election, and said corporators or such of them as shall attend in person, shall appoint two tellers to conduct the election and declare the result; the directors then chosen by the stockholders shall hold office for one year and until others are chosen in their places; and until such election, the business of said corporation shall be managed by said corporators and their agents.

§ 3. Said corporation shall possess all the powers and privileges and be subject to all the provisions of the general railroad act of 1850, and the acts amendatory thereof and additional thereto, except

so far as the provisions of said acts are modified by or inconsistent with the provisions hereof; and said corporation may make, construct and maintain a tunnel, and construct, operate and use therein a double track railway, and the necessary sidings, and convey passengers, freight and property in cars propelled by steam or other power for compensation under and through the soil beneath certain streets, avenues, squares and grounds in New York city, as hereinafter specified; but said corporation shall have no right to acquire the use or occupancy of any street or public place in the city under the provisions of said acts, or by any agreement or grant of the city authorities, except such use or occupancy as is granted or provided for in this act, and except such temporary rights and privileges during the period of constructing said tunnel and railway as the proper authorities may grant to said company to facilitate such construction.

§ 4. Said tunnel and railway shall follow, as nearly as possible, the line of the streets, avenues, courses and places named as follows:

Commencing in City Hall Park on the easterly side of Broadway, between the terminus of the New York City Central Underground Railway on the north and the land of the United States, on which the new post office is now being erected, and running thence underground, curving across the Park to a point near the southeasterly corner of the Hall of Records to Chatham or Centre street; thence northerly through Centre street, curving easterly to Park street, formerly Cross street; thence easterly through Park street, underground, or northerly or southerly of Park street, through the blocks by an open cut to Mott street; thence underground across Mott street and curving northeasterly through the intervening blocks, and across the intervening streets to the Bowery, at or near

its intersection with Bayard street ; thence northerly, underground, through the Bowery, until it intersects Third Avenue; thence northerly through the public square between Third and Fourth Avenues, south of 7th street, to Fourth Avenue; thence northerly, underground, through the easterly half of Fourth Avenue to 14th street; thence northerly, under Fourth Avenue, to a point between 59th and 48th streets. Said corporation may make on said route the necessary connections, turnouts, switches and other conveniences for the proper working and accommodation of said railway, and may connect with the New York and Harlem Railroad between 48th and 59th streets. Said company may also construct and use a branch from said main line at or near the junction of said tunnel with the New York and Harlem Railroad underground through one of the streets between 48th and 59th streets to the track of the New York Central and Hudson River Railroad Company. Said branch shall be completed in seven years, and, if not so completed, the failure shall not affect the other privileges, powers and rights hereby granted and conferred. The construction of said tunnel or railway between the southerly end thereof in Broadway, and the connection thereof with the New York and Harlem Railroad shall be commenced within six months, and be continuously prosecuted to completion without unnecessary delay within three years thereafter; any time during which the commencement or construction of said tunnel or railway shall be enjoined or delayed by suits or actions in any Court or Courts shall be deducted from said limitation. There shall be no open cut in any street or avenue on the completion of said tunnel or railway. If the width of any street or avenue along the route of said railway or tunnel shall be deemed by said company inadequate for the construction of a railway or tunnel sufficient to accommodate public travel, they are authorized to ac-

quire title to and hold such adjacent real estate as shall be necessary for that purpose in the manner provided in the next section. Said corporation may, during the construction of their tunnel and railroad, change temporarily the location of railroad tracks occupying the line of construction to be used by this company, to other convenient places through the same or adjoining streets, etc., to be restored at the earliest practicable moment.

§ 5. For the purpose of making, constructing and operating said tunnel, etc., said corporation may enter upon and underneath the several streets, public places, lands, etc., hereinbefore specified, and into and upon the soil of the same, to construct and maintain said tunnel and railway along the route and to the points herein specified and contemplated, such tunnel and railway to be constructed in the most thorough manner and upon the most approved plans for lighting, ventilating and draining, and of sufficient dimensions and number of tracks for the purposes of said railway, and for the convenience of public travel, and at such depth below the surface, and in such manner as effectually to prevent any interference with the surface of said streets, etc., or the use of the same, with such exceptions as are provided for in this act; and except also, that during the progress of construction it shall be lawful to make such excavations and openings in said streets, etc. under which said tunnel etc. shall be constructed, or over which said railway tracks shall be laid, as shall be necessary from time to time; and in all cases the surfaces and pavements of said streets, etc. over said tunnel etc. shall be restored to the condition in which they were before such excavations were made, as near as possible. And said corporation may construct and maintain openings along the route of said tunnel or railway, for light and ventilation, to be six feet in diameter, surmounted with a substantial iron railing four feet in height,

set in a stone coping. Such openings to be placed at intervals of not less than twenty feet, except that none shall be located at the intersection of streets or avenues, nor on any sidewalk. Said corporation shall be liable to the owner or lessee of any building or property, for any direct injury thereto, caused by the construction of such railway and tunnel. Stations shall be erected for passengers between the City Hall and 42nd street, at distances from each other not to exceed one-half mile, and all way trains shall stop at such stations.

§ 6. Said corporation may acquire the title to and hold such real estate, or interest therein, as may be necessary to enable it to construct and operate said tunnel and railways as herein provided, and to construct and maintain the proper platforms, stations and buildings of said corporation at such points along the route as may be most convenient and suitable for the ingress and egress of passengers and freight, and necessary to the operation of the railway, and for proper communication between said tunnel and platforms and said stations and buildings, and in case it cannot agree with the owner or owners of such real estate or interest, for the purchase or use thereof, it may acquire title to the same in the manner specified in the acts hereinbefore referred to, except in any proceeding for any purpose authorized by this section, it shall not be necessary that the petition to the court make any allegation of or reference to any incorporations, capital stocks, surveys, maps, or the filing of any certificate of location; but whenever it shall be necessary for said railway, turnouts, platforms or stations, to take and use for the purpose of operating the same, any public grounds, parks or places, no compensation shall be awarded or demanded for the same, but in all cases the use of the aforesaid streets, avenues, squares, grounds

and public places, and the right of way under and through the same, for the purpose of a tunnel and railway, as herein authorized and provided, shall be considered and is declared to be a public use, consistent with the uses for which the city corporation holds said streets etc. But no opening in any public grounds, parks or places shall be more than one hundred and fifty feet in length nor more than fifty feet in width, which openings shall be covered by neat and ornamental buildings for passenger stations only, and their location, manner and style of construction shall be subject in all respects to the direction and control of the Park Commissioners of New York City; and it shall not be lawful for said corporation to receive or deliver freight within the lines of the public squares or parks named in this act.

§ 7. Whenever the route herein specified and contemplated for the construction of said tunnel etc. shall intersect with or cross or coincide with any horse railway tracks now occupying the surface of said streets and avenues, said horse railway tracks shall, if practicable, be carried over said openings upon temporary bridges or structures, and such temporary bridges or structures shall be so constructed as not to interfere with the practicable operation or working of such street railways; and on the completion of said tunnel and such portions of the route thereof where such changes of the horse railway tracks may be made, the same shall be restored, as near as practicable, to the condition in which they were previous to the construction of said tunnel; and all such bridges and structures and restoration of tracks shall be made at the proper costs and charges of this corporation. But in restoring the tracks of any such horse railway, a space of twelve feet shall remain between the tracks at the centre of the street or avenue, and the required change in the location of the tracks of any horse railway is hereby authorized and directed.

§ 8. Said tunnel and railways shall be exclusively for the uses and purposes of said railway company, and it shall not be lawful for any person other than a public officer in the execution of his duty as such, with his agents and assistants, to enter or pass through the same or any portion thereof on foot, or in any other way than in the proper cars of this corporation, provided for that purpose, without the consent of said corporation, under penalty of fifty dollars for each offense, to be recovered by this corporation. And the corporation of the City of New York and its officers are prohibited from giving permission to any other person, body or corporation to do any of the acts or things hereby authorized, or to hinder, delay or embarrass the construction or operation of said tunnel etc. and other things as herein authorized. But nothing herein contained shall prevent the corporation of the City of New York, or the officers of any department thereof from entering said tunnel for the purpose of repairing or constructing any sewer or water main, or other public work, or any gas company from laying or repairing its mains therein, not, however, interfering unnecessarily with the movement of trains or the business of said company.

§ 9. Said company may lay a temporary rail or tramway, from the route of said tunnel through Baxter to and across Chatham street to Roosevelt street, and thence through Roosevelt street to the East River, to be operated by horse power, for the purpose of removing earth and transporting materials during the continuance and progress of said work. Any alteration of the surface of said streets shall be restored by the company on the completion of the work, or when the use of said street for the purposes aforesaid shall be no longer required by said company.

§ 10. Said corporation may collect for the transportation of passengers the following fares: For one person any distance under four miles ten cents, and for every mile or fraction thereof in addition two cents. Trains for way passengers shall be run as often as necessary for the accommodation of the public.

§ 11. Said tunnel shall be constructed at such depth below the surface of the streets or avenues as will avoid any interference with or changes in the water mains of the Croton Aqueduct Board, except such changes as may be necessary for the proper construction of said railway and for public convenience, and such necessary changes in said mains, and all changes, additions and alterations which may be made necessary in the sewers by the construction of said tunnel etc., shall be made under the direction and supervision of the chief engineer of the board of public works, but at the cost and charges of this corporation.

§ 12. Said company may change or elevate the grade of any street or avenue through which said tunnel or railway shall pass at any point where the grade line of said railway at the level of the rails shall not be at least four feet above tide water mark; and said company hereby created shall be liable to the owners or lessees of adjacent property for injury caused by such changes or elevations of the grade.

§ 13. Repeals inconsistent acts and parts of acts.

§ 14. This act may be amended, altered or repealed at any time.

§ 15. Act takes immediate effect.

1872. Chap. 846, p. 2003.

Passed May 23.

AN ACT to establish a rapid transit steam ferry between Westchester County and New York City.

§ 1. It shall be lawful for Edward B. Wesley and others [named] and their successors and assigns, by the corporate name of the Rapid Transit Ferry Company, to establish and maintain a steam ferry from a point on the east side of the railroad bridge at or near Mott Haven, in Westchester County, to or near Wall Street in said city, and such other streets, avenues and places in said city as the public convenience may require.

§ 2. The corporators named in the first section, their successors and assigns, shall place upon said route within six months from the passage of this act, and at all times thereafter, keep and maintain one or more good and substantial steam ferry boats for the safe conveyance of passengers and their baggage, horses, carriages, cattle and freight between said places, with safe and skilful persons to take charge of the same, and they shall not make less than three trips each way daily.

§ 3. Said corporators and their successors etc. shall have power to purchase etc. and hold real estate and ferry privileges sufficient for the successful working and use of said ferry.

§ 4. Said corporation shall have a capital of one hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing the same to one million dollars, and shall not commence operating its ferry until twenty per

cent. of its capital stock as determined by its by-laws shall be actually paid in; said corporation shall have power to make all proper by-laws for the conduct and management of its affairs.

§ 5. The rates of ferriage between said places shall not exceed ten cents for each passenger, and the rates for transportation of freight shall not exceed those charged by the Harlem Steam Navigation Company.

§ 6. Nothing in this act shall be construed as giving any right to use any slip, pier, bulkhead or dock, without consent of the owner or lessee thereof.

§ 7. Act may at any time be altered, amended or repealed.

§ 8. Act takes immediate effect.

1873. Chapter 855, p. 9030.

Passed May 25th.

AN ACT to reduce the rates of ferriage on certain ferry routes between the cities of New York and Brooklyn and to establish rates of ferriage thereon, and to regulate the running of said ferries.

§ 1. It shall not be lawful for any person or corporation now or hereafter operating any ferries between New York City and that portion of Brooklyn lying along the East River between the Navy Yard and Bushwick Creek (except the Roosevelt Street Ferry) to charge, collect or receive ferriage at higher rates than as prescribed hereby, which are established as the legal rates of ferriage upon said

ferries, that is to say: For each one horse buggy wagon, gig or sulky, twenty cents; for each one horse business wagon, cart or truck with driver, empty or with ordinary load not exceeding ten feet in length, fifteen cents; for each two horse pleasure carriage, twenty five cents; for each two horse truck with driver, loaded with ordinary load of sugar, distillery products, rope, flour, or empty, thirty-five cents; and for the same with extra load, fifty cents; for each two horse business wagon and driver, empty or loaded, not exceeding seventeen feet in length, thirty cents; for each two horse market wagon and driver, loaded, thirty-five cents; for the same, empty, thirty cents; for each one horse market wagon and driver, loaded, twenty-five cents, and empty twenty cents. And the fare for each foot passenger shall not exceed two cents on any of said ferries.

§ 2. The rates of fare or ferriage now charged by the New York and Brooklyn Ferry Company for the transportation of persons, vehicles or property between New York and Brooklyn upon and over the several ferry routes now run and operated by said company are established as the legal rates of ferriage or transportation over said ferry routes except as reduced by the above first section; and it shall not be lawful for said corporation, or any other corporation or person who may hereafter operate said ferries, to charge, collect or receive any greater rates of fare or ferriage for the carriage of persons, vehicles or property upon or over said ferries, than such as are allowed and established by the provisions of this act.

§ 3. The reduction made hereby in rates of fare or ferriage shall not apply to or affect the ferry commonly known as the Roosevelt Street Ferry, but the rates of fare or ferriage now charged for the transportation of persons etc. over said ferry shall be and continue the legal rates of ferriage

thereon, provided always that ten foot passenger tickets shall at all times be sold at the ferry boxes at the entrances to said ferry for twenty-five cents.

§ 4. The New York and Brooklyn Ferry Company is required to run its boats on all ferries operated by it all night, and between twelve o'clock at night and five o'clock in the morning, as often as once in thirty minutes, and as often as once every eight minutes from each terminus from half past five to nine o'clock every morning, and from half past four until seven o'clock every evening, and once every ten minutes during the remainder of the day, except upon the Sabbath, when said company shall run its boats on all its ferries as often as once every twelve minutes, between seven o'clock in the morning and the same hour in the evening.

§ 5. Repeals all acts and parts of acts and all provisions of law inconsistent herewith.

§ 6. Act takes immediate effect.

1872. Chap. 885, p. 2179.

Passed June 17th.

AN ACT to incorporate "The Gilbert Elevated Railway Company," and to provide a feasible, safe and speedy system of rapid transit through the City of New York.

§ 1. George B. Grinnell and others [named], their associates, successors or assigns, or a majority of the same, are created a body corporate and politic, by the name of the "Gilbert Elevated Railway Company," and by that name shall have succession. The capital stock shall be three and a half

millions of dollars—thirty-five thousand shares—one hundred dollars each.

§ 2. The business and offices of said company shall be managed by a board of not less than seven directors, to be elected within thirty days after the passage of this act, by the above named corporators, of whom a majority shall determine the day when and where the election shall be held, and shall give notice thereof to each of the corporators hereinbefore named, which notice shall be delivered at, or mailed to, their respective abodes or places of business, at least fifteen days previous to the time of election, and such of said corporators as shall attend said election, or there be represented by proxy, shall appoint two tellers to conduct the election and declare the result, and the eleven persons receiving the highest number of votes shall be declared directors of said company, and shall have power to fill all vacancies occurring in the Board. After said first election, the directors shall be elected annually by the stockholders, either by person or proxy. Each stockholder shall be entitled to one vote for each share of stock held by him, and due notice of said election shall be given in at least two daily papers published in New York City.

§ 3. Said corporation shall possess all the rights, powers and privileges, and be subject to all the provisions of the general railroad act of 1850, and the several amendatory acts, except as far as the provisions of said act are modified by, or inconsistent with, the provisions of this act; and said corporation may make, construct and maintain an elevated railway, to be operated by the plan known as "Gilbert's Improved Elevated Railway," over, through and along streets, avenues, thoroughfares and places in and of said city, and construct, maintain and operate said tubular ways and railways by atmospheric power, compressed air or other

power, together with the necessary sidings, stations, switches, turnouts, platforms, stairways, elevators, air reservoirs and connecting tubes for the transmission of power, telegraph and signal devices, and all other appliances requisite to convey passengers, mails and merchandise, as contemplated in this act, and in the said system of railways over the streets, squares, etc. herein mentioned. Said corporation may make the necessary depots along the route, with the necessary switches, turnouts, conveyances, connections and openings for the proper working and operation of said railways; and said streets, avenues, thoroughfares and places over, through and along which said elevated railway may be so constructed, established, maintained and operated shall be ascertained, designated and established by a Board of Commissioners, who shall designate and establish the same, and in such manner as shall, in their judgment, be convenient and necessary for such project, and with the least inconvenience to those who occupy premises adjacent and upon said streets, etc., in, through and along which said elevated railway may be so established and maintained; and Henry G. Stebbins, Major-General Quincy A. Gilmore, Shepherd Knapp, Chester A. Arthur and General John A. Dix are appointed such board of commissioners for and unto such purpose, with power and authority to a majority of them, to act with full, equal effect as said board, and their report thereupon shall be fully operative and final when made and delivered to the said Gilbert Elevated Railroad Company for its action. But said commission shall not designate and establish, as or for, the locality and line of said railway, any or either of the streets, avenues, thoroughfares or places lying or situate between the easterly line of Third avenue and the easterly line of Sixth avenue, nor through or over any of the public parks in said city.

§ 4. For the purpose of making, constructing

and operating said tubular ways and railways, said corporation may enter upon and across the several streets, squares and avenues and land herein provided for, and into and upon the soil of the same, in all and any manner necessary to construct and maintain and operate the said tubular ways and railways along the routes so designated and established; such railways to be constructed in the most thorough and artistic manner, and of sufficient dimensions for the purposes of said tubular ways and railways, and at such heights above the streets, squares and avenues so designated and established, as will, when completed, insure the unimpeded traffic and travel in the same. Said tubular ways and railways the said corporation is hereby authorized and empowered to construct, maintain and operate, shall be substantially supported above the middle of the streets and avenues by iron arches, which shall span the same from curb to curb, the bases of which shall not, when practicable, be more than sixty feet apart, nor the arches less than fifty feet from each other. To secure the necessary foundations for said arches, columns, piers and other structures which may be required to secure perfect safety and stability of construction, and the maintenance of the said tubular ways and railways, and the operation of the same, it shall be lawful for said corporation to make such openings and excavations in said streets, roads and avenues, and the public places over which said tubular ways and railways shall be constructed as shall be necessary from time to time, and make therein and thereon such structures as shall secure stability and firmness; providing, that in all cases the surfaces of said streets, pavements, roads and avenues shall be restored around such foundations, piers and arches or columns, to the condition in which they were before such excavations were made with as little delay as possible; and provided, also, that said excavations shall not in any way interfere with the sewers or gas or

water mains in said streets, roads and avenues of the same which shall not be unduly obstructed in the construction of said tubular ways and railways; and whatever temporary structures or bridges which may be necessary for the erection or construction of said tubular ways and railways, shall be built in a safe and workmanlike manner, and in such manner as not to interfere with the practical working of the horse railways or public travel.

§ 5. Said corporation may acquire the title to and hold such real estate or interest therein as may be necessary to enable it to construct, maintain and operate said tubular ways and railways, and the motive power thereof, as herein provided; and in case it cannot agree with the owner or owners of such real estate, or interest for the purchase or use thereof, it may acquire the title of the same, in the manner specified in the acts heretofore referred to, except in any of the proceedings for the purpose so authorized in this section, it shall not be necessary that the petition to the Courts shall make allegation for reference to any incorporations, capital stock, surveys, maps, or the filing of any certificate of location.

§ 6. The ways and railways shall be exclusively for the uses and purposes of said corporation, and it shall not be lawful for any person, other than a public officer in the execution of his duty as such, with his agents and assistants to enter upon the same, or through any portion thereof, on foot or in any way than in the proper cars of this corporation provided for that purpose, without the consent of said corporation, under the penalty of fifty dollars for each offense, to be recovered by this corporation. The municipal authorities of the city are prohibited from giving any permission to any other person, body or corporation, to do any of the acts or things hereby authorized, but shall at all

times, as far as practicable, aid said corporation in carrying out the provisions of this act. Every person who shall wilfully or maliciously destroy or injure any of the tubes or other structures of said corporation, or shall wilfully or maliciously obstruct said tubular ways and railways in any way shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment of not less than three, or more than six months, or both fines and imprisonments; and shall also forfeit or pay to said corporation three times the amount of damages they may sustain thereby, to be recovered with costs in any Court having cognizance thereof. But nothing herein contained shall be construed to extend to cases where death to any person shall result from the commission of either of the offenses mentioned aforesaid.

§ 7. Said corporation may collect and receive not exceeding ten cents for any distance less than four miles, and for additional distances two cents per mile, or any fractional part of a mile; but between the hours of five and eight A. M., and five and eight P. M., special cars and trains shall be run, in which the fare shall not exceed one-half the above named rates. Said corporation may also, in connection with other corporations, sell and issue transfer tickets upon such terms as said corporations shall mutually agree upon, which tickets shall be transferable and good upon their respective lines of travel, surface roads, railways or ferries; provided, that the fare charged shall not exceed in amount the sum total of fares the several corporations are each authorized to charge.

§ 8. Said corporation shall commence operations as soon as practicable after the passage of this act, and shall have one year and a half to construct said tubular ways and railways to Forty-second

street, one year in addition thereto to construct the same to Eighty-sixth street, and six months additional thereto to construct the same to Harlem River, necessary and unavoidable delays from the pendency of legal proceedings against said corporation excepted; and no omission to construct any portion shall work forfeiture to this franchise in respect to any section of said tubular ways and railways which may have been commenced or completed.

§ 9. Repeals inconsistent acts and parts of acts.

§ 10. Act may at any time be altered, modified, amended or repealed.

§ 11. Act takes effect immediately.

Amended ch. 837 of 1873. See ch. 275 of 1874, See ch. 593 of 1886, repealing the sentence of § 6. beginning "Every person who shall wilfully."

1873. Chap. 48, p. 98.

Passed March 6th.

AN ACT to amend the charter of the Harlem River and Port Chester Railroad Company.

§ 1. Extends the time for the completion of said railroad and for said company to comply with the conditions of its act of incorporation and the amendments thereto to January 1st, 1874.

See chap. 763 of 1866, chap. 722 of 1869 and chap. 605 of 1871.

1873. Chap. 100, p. 177.

Passed March 19th.

AN ACT to authorize the Twenty-third Street Railway Company in the City of New York to extend their tracks, and use and operate the same.

§ 1. Said company is authorized and empowered to lay, construct, use and operate railroad tracks in connection with their present railroad, through and along Second avenue, with double track, to 28th street; thence through and along 28th street, with single track, to First avenue; along First avenue, with single track, to 29th street; thence along First avenue, with double track, to 34th street. Also along 29th street, with single track, from said track in First avenue to Second avenue, and thence along Second avenue, with single track, to the southerly side of 28th street, together with all necessary and proper connections, switches, curves, turnouts, side-tracks and turntable, for the complete use and operation of their said road and the extensions herein granted; and said company shall remove and dump in the East river, at the most convenient point, the snow on 29th and 28th streets, from First to Second avenues, when the same is of sufficient depth to interfere with the ordinary travel on said streets.

§ 2. Said company is authorized to intersect, run upon and use the track of any railroad now laid on said avenue, and in case agreement shall not be made with the owner or owners of such other railroad tracks, in respect to the payment or compensation to be made therefor, or for the use thereof, then the amount of such compensation or payment shall be ascertained and determined in the manner provided by subdivision 6 of section 28 of the General Railroad Act of 1850. Should any real estate or interest thereon be re-

quired for the purpose of constructing said railroads so authorized to be extended, for which said company or its successors shall be unable to agree with the owner or owners for the use or purchase thereof, said company may acquire the right to use or title to the same in the manner specified in sections 14 to 21, inclusive, of said General Railroad Act, except that in any proceeding for any of the purposes authorized by this act, it shall not be necessary that the petition to the Supreme Court make any allegations of or reference to any incorporation, capital stock, surveys or maps, or of the filing of any certificate of location. In all cases the use of said streets and avenues for the purposes of said railroads, as herein authorized, shall be considered a public use consistent with the uses for which the city corporation holds said streets and avenues.

§ 3. In the construction, use and operation by said company of the track and extension authorized by this act, they shall have and exercise the same rights and privileges which are now possessed and exercised under former grants and laws.

§ 4. Said company may charge the same fare for the conveyance of passengers over their route as hereby extended as they are now authorized to charge, but shall not be allowed to charge any additional rate of fare for their entire route or any part thereof, because of the extension hereby granted; and the cars shall be run on said extension as often as the convenience of passengers shall require.

§ 5. Act takes immediate effect.

1873. Chap. 160, p. 262.

Passed March 28.

AN ACT to authorize the transportation of passengers in the City of New York, by means of street railways, to be constructed through certain streets and avenues therein.

§ 1. John Sullivan, William Thompson, John L. Macaulay, Emmett D. Burr, Henry W. Prosser, Anson Stone, Albert H. Combs, Augustus F. Brainard, Benjamin F. Judson, Edward O. Gould, Thomas S. Ball, Richard C. Tilford, Edward C. Taylor, John T. Mackenzie, Fred. S. Gibbs, and others [named], and their assigns, are authorized and empowered to lay, construct, operate, maintain and use railways, with a double or single track, in said city, and to convey passengers thereon for compensation, through, upon and along the following routes of said city, to wit: commencing at the foot of 23d street, East River; thence along 23d street and Avenue A, with double tracks, to 17th street; thence along 17th street with single track to Broadway and Union Square; thence along Broadway and Union Square, 14th street, 7th avenue, Hammond or West 11th street, and West street, with double tracks, to Christopher street at the foot thereof, North River. Returning—from the foot of Christopher street, North River; thence along Christopher street and Greenwich street with single track to Hammond or West 11th street; thence along Hammond or West 11th street, 7th avenue, and 14th street, with double tracks, to Broadway and Union Square; thence along Broadway and Union Square to 18th street; thence along 18th street with single track to Avenue A; thence along Avenue A and 23d street with double tracks to the East River, at the foot of 23d street, together with the necessary connections, turn-outs, switches and convenient

stands for the proper working and accommodation of said railway on said route.

§ 2. Said railways shall be constructed on the most approved plan for the construction of city railways, and with the Philadelphia rail; and cars shall be run as often as the convenience of the public may require, and shall be subject to such reasonable rules and regulations in respect thereto as the Common Council from time to time prescribe, and to the payment to the city of such license fee annually for each car run thereon as shall be prescribed by the Common Council, but not exceeding the amount authorized by any ordinance heretofore passed; and said persons and their assigns are authorized to charge and collect five cents for each passenger conveyed upon said railways. Wherever the track or tracks of said railway shall cross or intersect the track or tracks of any railroad, by mutual agreement between the owners of said respective railways, transfer tickets may be issued to passengers at an additional rate of fare, not exceeding two cents, said transfer tickets to be received in full for fare to any point on the line of said railroads, or either of them.

§ 3. In the construction, operation or use of such railways upon the route or routes herein designated, said persons or their assigns shall use any portion of any other railroad tracks now laid upon any of the streets or avenues above named, except West street, where a double track shall be constructed, and they are authorized to run upon, along and over, and intersect and use the same; and in case they cannot agree with the owner or owners thereof respecting the compensation or payment to be made therefor, then the amount of such compensation or payment shall be ascertained and determined in the manner provided by sub-

division 6 of section 28 of the General Railroad Act of 1850.

And should any real estate or interest therein be required for the purpose of constructing said railways on said route or routes, as herein specified and authorized, for which said persons, or their assigns, shall be unable to agree with the owner or owners for the use or purchase thereof, they may acquire the right to use or a title to the same, in the manner specified in sections 14 to 21 inclusive of said General Railroad Act, as the same is amended by subsequent acts; except that, in any proceeding for any purpose authorized by this section, it shall not be necessary that the petition to the Supreme Court shall make any allegation of or reference to any incorporation, capital stock, surveys or maps, or the filing of any certificate of location; and during the pendency of such proceedings the said persons or their assigns shall be permitted to enter upon, connect with and use portions of other tracks already laid in any of the streets or avenues named herein as may be necessary to perfect and carry into effect the provisions of this law, upon their giving good and sufficient security, to be approved by one of the Justices of the Supreme Court, for the payment of the amount of the award, which may be made by arbitration or by order of the Supreme Court; and all actions or proceedings in law relating to, affecting or arising under this act, or the authority hereby given, shall be commenced in the Supreme Court of the First Judicial District, and shall have preference over all cases on the calendar of said court not now preferred by statute; but in all cases the use of said streets or avenues for the purposes of said railways, as herein authorized, shall be considered one of the uses for which the city corporation holds said streets and avenues.

§ 4. A majority of the first fifteen persons or grantees named in the foregoing first section of

this act shall, as soon as practicable after its passage, by a notice in writing signed by them, convene a meeting of the persons or grantees named in said first section or their assigns, at a time and place in New York City, to be designated in said notice. A copy of said notice shall be served upon each of the other grantees or their assigns, either in person or by depositing the same in the Post Office, addressed to him at the Post office nearest his last known place of residence or business, at least twenty days before the day therein specified for such meeting.

§ 5. And for the rights and privileges herein granted, said persons or their assigns shall annually, on the 1st day of December of each year, pay into the Treasury of the City three per centum of the gross receipts from the operation of the railroad, the amount of which gross receipts shall be determined by the sworn statement of the President and Treasurer of said railroad, but subject to the inspection of their books by the Comptroller of the city.

§ 6. The Legislature may at any time alter, amend or repeal this act.

§ 7. Act takes immediate effect.

1873. Chapter 185, page 299.

Passed April 9th.

AN ACT supplemental to and amendatory of Chapter 842 of the Laws of 1868, an act entitled "An Act to provide for the transmission of letters, packages and merchandise in the cities of New York and Brooklyn, and across the North and East Rivers, by means of pneumatic tubes, to be constructed beneath the

surface of the streets, squares, avenues and public places in said cities, and under the waters of said rivers," passed June 1st, 1868; and of Chapter 512 of the Laws of 1869, entitled "An Act supplementary to Chapter 842 of the Laws of 1868, in relation to carrying letters, packages and merchandise by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes."

§ 1. It shall be lawful for the Beach Pneumatic Transit Company, a corporation duly organized under and in pursuance of Section 6 of said Chapter 842, to construct, maintain and operate an underground railway for the transportation of passengers and property in New York City, extending from the Battery or Bowling Green, under Broadway to Madison Square; thence under Broadway to its junction with Central Park and 8th avenue, with a branch railway from and under Madison Square, under Madison avenue to Harlem River and across and under the bed of said River to the northerly shore thereof, by means of tubes of enlarged interior diameter sufficient for the construction of a railway or railways therein, and for the running of cars and the carrying of passengers therein; and also to construct, in connection with said tubes, two or more tracks of railway, with the necessary turnouts and stations for the ingress and egress and accommodation of passengers, and for the receipt and discharge of packages and freight. And said company shall have the right and privilege, subject to the approval of the Board of Engineer Commissioners hereinafter provided for, to make connection with the Harlem and connecting Railroads at any point deemed best, at or above 42nd street, and also to make connection with the Hudson River Railroad at any point Northerly of 59th street.

§ 2. Said passenger tubes shall, as far as practicable, follow the center line of the aforesaid streets, and shall not occupy in the aggregate a greater space than thirty-one feet in width by eighteen feet in height, exterior measurement; the outer walls of said tubes shall not approach within two feet of the curb line, nor within eighteen feet of the building line of the streets; and said passenger tubes shall be laid and constructed under the supervision of a board of three engineer-commissioners, consisting of Alfred W. Craven, of the City of New York, and two engineers, to be appointed by the Governor of this State; and it shall be the duty of said Governor to appoint such engineers within sixty days from the passage of this Act; and said engineer-commissioners shall have access at all times to the plans and works of said corporation, and shall see that said passenger tubes and railways are constructed in a thorough and workmanlike manner, that proper materials are used in the construction of the same, and that all needful precautions are taken by said corporation to prevent damage to private property, interruption to travel, and unnecessary interference with the sewers, water-pipes and gas pipes, and that sufficient space is provided or allowed to remain for proper sewerage, and the laying of gas pipes and water pipes along the route of said passenger tubes; and it shall be the duty of said engineer-commissioners, or a majority of them, during the construction of the works herein authorized, to report to the Mayor any violation by said corporation, of any of the duties herein enjoined upon said corporation, and said engineer-commissioners shall each receive from said corporation, as compensation, not less than ten dollars for every day or part of a day by them actually employed in the supervision of the works herein authorized; and in case any vacancy shall occur in said board of engineer-commissioners by reason of death, resignation or other cause, such

vacancy shall be filled by appointment by the Mayor, whose duty it shall be to fill any such vacancy within ten days after the occurrence thereof; but said corporation shall not be delayed in carrying on their works herein authorized, pending said appointment; and said engineer-commissioners shall constitute a board of commissioners, a majority of whom shall determine whether the pneumatic system or other motive power shall be adopted by said corporation for the propulsion of the cars running within said passenger tubes, and the decision of said majority shall be binding on said corporation.

§ 3. Said corporation is forbidden to interrupt the supply of water or gas or the flow of the sewers, and all changes or alterations in the sewers, water pipes or gas pipes, that may be necessary for the proper construction of said passenger tubes and the works herein authorized, shall be done in a thorough and workmanlike manner, with good materials, under the supervision of the Department of Public Works, but by and at the expense of said corporation; and whenever it shall be necessary for said corporation to make any changes or alteration in said sewers, water pipes or gas pipes, the new connections shall be first made before making any change in the existing water pipes, gas pipes and sewers, or either of them; and during the construction of the works herein authorized, the travel through the streets over said works, and also through the streets intersecting the line of said works, shall not be interrupted at any time, except by special permission of the Department of Public Works and said board of engineer-commissioners; and whenever the surfaces of the streets shall be interfered with by reason of the necessary operations of said corporation, the surfaces of such streets shall be promptly restored to as good a condition as they were in before said interference, by and at the ex-

pense of said corporation, but under the supervision of the Department of Public Works; and the Department of Public Works shall have access, through its proper officers, to the plans and specifications of the herein authorized works, and shall report to the Mayor any violations by said corporation, of any of the provisions of this section. And in no case shall the surface of Broadway or Madison avenue be broken, rendered unsafe for travel, or in any way disturbed, unless the opening or part worked, or rendered unsafe, shall be covered by a covering or temporary bridge, to be constructed in such manner as said board of engineers may approve; and in working or excavating authorized by this act said company shall, at its own cost and expense, make the foundation of each and every building adjoining or near such excavation firm and secure. Said company shall be liable to the owner or owners of any wall, building, structure or lands, or other property, along the route of said railways for any direct damage which they or either of them shall sustain by reason of any direct injury caused thereto by the construction of said railway.

§ 4. Said corporation shall have the right, and is authorized to acquire the title and to hold such real estate or interest therein as may be necessary to enable it to construct, operate and maintain said tubes and railways as herein provided, and to construct and maintain the proper platforms, stations and buildings of said corporation at such points along the route of said tubes as may be convenient and suitable for the ingress and egress of passengers, and for the receipt and discharge of freight and packages, and necessary for the successful operation of said tubes and railway and for the proper connections between said tubes and railway platform stations and buildings; and in case said corporation is unable to agree with the owner or owners of such real estate or interest for

the purchase and use thereof, said corporation may acquire the title to the same in the manner provided in sections 14 to 21, inclusive, and section 26 of the general Railroad Act of 1850, except that in any of the proceedings for any purpose authorized by this section, it shall not be necessary that the petition to the Supreme Court shall make any allegation of or reference to any incorporation, capital stock, survey or maps, or of the filing of any certificate of location, and all actions or proceedings in law relating to, affecting or arising under this act, or the authority hereby given, shall be commenced in the Supreme Court of the First Judicial District, and shall have preference over all cases on the calendar of said court not now preferred by statute; in all cases the use of said streets, avenues, squares, grounds and public places, and the right of way under the same for the purpose of said tubes and railway or railways therein, as herein authorized and provided, shall be considered, and is declared to be a public use, consistent with the uses for which the city corporation holds said streets, etc.

§ 5. It shall be lawful for said corporation to convey passengers on said railway or railways, through said tubes, for hire; provided that the rate of fare shall not exceed eight cents for any distance less than three miles, and for all additional distances two cents per mile or any fractional part of a mile; but between the hours of 5 and 7 A. M. and 5 and 7 P. M., the rate of fare for any distance shall not exceed ten cents.

§ 6. Said corporation shall commence active operations in the construction of the works herein authorized within six months after the passage of this act, and shall complete the section of passenger tubes with two railway tracks from Bowling Green to 14th street within three years thereafter, and shall complete

the remainder of said passenger tubes as herein authorized within five years thereafter; but in case of delay by legal proceedings which shall compel the stoppage of the work, the time so lost by said stoppage shall be added to the time allowed herein for completing the said passenger tubes. The capital stock of said corporation shall be ten millions of dollars, and before entering upon the construction of the work herein authorized, said company shall prove to said board of engineer-commissioners that the full amount of the capital stock of said company has been subscribed in good faith by *bona fide* subscribers and ten per cent. thereof paid in in cash, or other financial arrangements made by said company to insure the completion of said work as herein authorized, and upon it so appearing to said engineer-commissioners, they shall issue to said company a certificate to that effect, under their hands and seals, which certificate shall be executed in duplicate, and one returned to said company, and one shall be filed with the Mayor. And said company shall, in addition to the other requirements herein contained, and before they shall commence work upon the road or works herein authorized, or any part thereof, execute and deliver to the Mayor a bond or obligation with sufficient sureties by which said company and said sureties shall be bound to pay or cause to be paid to the City, or to any or all persons or corporations owning lands along the line of said road, any and all direct damages or injury that the property of said city or persons or corporation shall sustain by reason of the construction of said road; and that said company shall restore said streets and avenues to as safe and as good a condition as the same were before the commencement of work thereon. Said bond shall be in such sum and in such form as said board of engineer-commissioners may fix and determine, but shall not be less than \$250,000 nor more than \$500,000, and the sufficiency of the sureties of said

bond shall be approved by the Mayor, who shall hold said bond in trust and for the benefit of the parties interested therein.

§ 7. Said corporation shall not construct any station, depot or other building or work above the surface of any land belonging to the Mayor, etc., of the City of New York, either in their own right or as trustees or commissioners, without the consent of said Mayor, etc., first had and obtained; but nothing in this act contained shall be construed to authorize said Mayor, etc., to donate, lease or sell any portion of any of the ground surface of any public park in said city, beyond what may be absolutely necessary for the exit from and entrance to said railway.

§ 8. The municipal authorities of the city shall at all times, as far as practicable, aid said corporation in the construction of the works herein authorized; but in case of any violation of any provision of this act, it shall be the duty of said Mayor of said city to institute proper legal proceedings on behalf of the city corporation, to compel the observance of the provisions of this act.

§ 9. The said corporation shall possess all the powers and privileges, and be subject to all the duties and liabilities imposed on railroad corporations by the laws of this State, not inconsistent with the charter of this company or the purposes of its incorporation.

§ 10. The Legislature may at any time alter, etc., this act.

§ 11. Act takes immediate effect.

See chap. 503 of 1874, ch. 454 of 1881, ch. 312 of 1886.

1873. Chap. 199, p. 317.

Passed April 11th.

AN ACT to authorize the Bleecker Street and Fulton Ferry Railroad Company of the City of New York to extend their railroad tracks through certain streets and avenues in the City of New York.

§ 1. Said company is authorized to extend their railroad tracks from their present tracks at the corner of 14th street and 10th avenue through and along 10th avenue with double tracks to Little 12th street; along Little 12th street with single tracks to Washington street; along Washington street with single track to Christopher street; also from their tracks at Little 12th street and 10th avenue along 10th avenue to West street with single track; along West street with single track to Christopher street ferry (the company to lay their own rails as herein authorized to be laid in 10th avenue and West street, from 14th street to Christopher street); thence along Christopher street with double tracks to connect with their present track in Bleecker street; along Christopher street with single track from Bleecker street to connect with its present track in 4th street, together with the necessary crossings of intermediate streets, connections, turnouts and switches for the proper and convenient working of said tracks in connection with those now operated by them in said city; also from their present tracks at the corner of Crosby and Bleecker streets along Bleecker street with double tracks to Mulberry street; also from Bleecker street through the property to Lafayette Place with double tracks upon acquiring the right of way by purchasing or leasing the property between Bleecker street and Bond street; and also the right of way to the property between Bond

street and Great Jones street, by purchasing or leasing the same; thence along Lafayette Place to and across Astor Place to 8th street with double tracks; thence along Clinton Place or 8th street with double tracks to University Place; along University Place with double tracks to 14th street; thence through and along 14th street with double tracks to their present tracks at the corner of 14th street and 9th avenue; also from the corner of 14th street and University Place along 14th street with double tracks to 4th avenue, together with the necessary switches, curves, turn-outs and side-tracks as aforesaid.

§ 2. In the construction, operation or use of said railroad, as hereby authorized to be extended or constructed upon the streets and avenues above designated, should said company deem it necessary or proper to run upon, intersect or use any portion of other railroad tracks now laid, or which may hereafter be laid, upon the streets and avenues above mentioned, then said company is authorized to run upon, intersect and use the same; and in case agreement shall not be made with the owner or owners of such other railroad tracks in respect to the compensation or payment to be made therefor, then the amount of such compensation or payment shall be ascertained and determined in the manner provided by subdivision 6 of section 23 of the General Railroad Act of 1850.

§ 3. In the construction, use and operation by said company of the tracks and extensions authorized by this act, the company shall have and exercise the same rights and privileges which are now possessed and exercised under former grants and laws, and may use said road in connection with the roads of other railroad companies in said city, upon such terms as may be agreed upon between said companies and other railroad companies, and said company is hereby authorized to lease all or any

portion of their said road, or to consolidate the same with any other railroad companies. Said company shall pay to the corporation of the city a license fee of fifty dollars for each and every car used by them on said extension, and shall pave and keep in good repair the surface of the streets used by them within the tracks of their said extension.

§ 4. The said company may charge the same fare for the conveyance of passengers over the route hereby extended as they are now authorized to charge, but shall not be allowed to charge any greater fare for their entire route, because of the extension hereby granted, and cars shall be run on said extension as often as the convenience of passengers shall require. And said company are authorized to make arrangements with any railroad company which they may cross or intersect for the issuing of transfer tickets, provided that the price of such transfer tickets shall not be greater than three cents additional to the regular fare.

§ 5. This act takes immediate effect.

See Ch. 647 of 1873. Amended Ch. 389 of 1875.

1873. Chapter 266, p. 395.

Passed April 23.

AN ACT to incorporate the People's Water Transit Company.

§ 1. John A. Livingston, Garret L. Schuyler, Frederick G. Van Vliet, Daniel Stratton, Milton Randall, Thomas Brown, James R. Davis, John T. Mackenzie, Isaiah Smart, Henry L. Wright, Hugh Gardner, Daniel Johnson, Luke Casey, John A. Smith, John Dickinson, Thomas I. Riker, their successors, associates and assigns, are created a body corporate by the above name, for the purpose

of establishing a steam ferry communication to transport passengers and merchandise between a point on the North or Hudson River, in the city, between the Battery and Fulton street and a point on said river, at or near 132nd street and any intermediate landings on said river, or on said route; the proper authorities of the city may lease to said company any slip or slips in said city under their charge, along the line of said route, for the purpose of landing and taking up passengers and freight.

§ 2. The capital stock of said company shall be \$500,000, divided into shares of \$100 each, which may be increased from time to time by the written assent of a majority of the stockholders to an amount not exceeding \$2,000,000; Said company shall be deemed full organized when the sum of \$200,000 shall have been subscribed and ten per cent. thereof actually paid in.

§ 3. The property and affairs of said company, when the same shall be fully organized, shall be managed by seventeen directors, a majority of whom shall constitute a quorum for the transaction of business; they shall be annually chosen at an election to be held on the second Tuesday of May in each year, at which election each stockholder shall be entitled to one vote on each share of stock held by him or her on the last day of April preceding the election; the persons named in the first section of this act shall be the directors of said company until the first election for directors, held on the second Tuesday of May after the said company shall be fully organized; vacancies among the directors shall be filled by the remaining directors.

§ 4. The directors named in the first section of this act may appoint three persons to act as inspectors at the first election, after which the stock-

holders shall choose three such inspectors at each annual election for the ensuing election.

§ 5. Said company shall have power to establish and charge rates of fare for the conveyance of passengers on said route, not exceeding ten cents for each passenger over the whole of said route on said river.

§ 6. Said company shall be entitled to the privileges and subject to the restrictions and conditions contained in the general statutes of this State relating to ferry companies, except as hereinbefore provided.

§ 7. Within one year after said company shall be fully organized, it shall place upon said route, and thereafter keep and maintain thereupon, at least two good and substantial steamboats for the safe conveyance and accommodation of passengers, baggage, horses, carriages, cattle, merchandise and freight, with skillful and experience persons to attend the same.

§ 8. Act takes immediate effect.

1873. Chap. 301, p. 433.

Passed April 25th.

AN ACT to authorize the construction of a railroad in Christopher and certain other streets and avenues in the City of New York.

§ 1. Lewis May, George W. Linch, George C. Sharp, James A. Richmond, Jacob Sharp, and others [named] and their assigns are authorized to lay, construct, operate and use a railroad, with a double or single track, and to convey passengers thereon for compensation, through, upon and

along the following route or routes, in the city, to wit: Commencing at Christopher street Ferry and running thence along Christopher street, with single track to Greenwich avenue; along Greenwich avenue, with double track, to 6th avenue; across 6th avenue to 8th street or Clinton Place; along 8th street or Clinton Place, with a double track, to Astor Place or 8th street; along 8th street with a single track to Avenue A; along Avenue A, with double track, to 10th street; along 10th street, with double track, to the ferry at the foot of 10th street, East River; also commencing at Avenue A and 9th street; thence along 9th street, Stuyvesant street and Astor Place with single track to the double track aforesaid in 8th street or Astor Place, also, commencing at Greenwich avenue and Christopher street; thence along Greenwich avenue, with single track, to West 10th street; through West 10th street, with single track, to West street; along West street, with a single track, to the Christopher street ferry, the place of beginning, together with all necessary and proper connections, switches, stands, curves, turn-outs, side-tracks and turn-tables, for the complete use and operation of said railroad herein granted.

§ 2. Said railroads shall be constructed on the most approved plan for the construction of city railroads, and be run as often as the convenience of passengers may require, and be subject to such reasonable rules and regulations in respect thereto as the Common Council may, from time to time, prescribe, and said persons and their assigns are authorized to charge the same rate of fare for the conveyance of passengers on said railroad as is now charged by other city railroads in said city, not to exceed five cents fare for each passenger. And for the rights and privileges herein granted, said persons or their assigns shall annually, on the first day of December of each year, pay into the

Treasury of the city three per centum of the gross receipts from the operation of the railroad, the amount of which gross receipts shall be determined by the sworn statement of the president and treasurer of said railroad, but subject to the inspection of their books by the Comptroller of the city; keep in good repair the pavement, the width of their tracks, and eighteen inches upon the outside of the same through the streets and avenues and places on the above mentioned route.

§ 3. In the construction, operation or use of such railroad upon the route or routes above designated, should such persons above named or their assigns deem it necessary or proper to run upon, intersect or use any portion of other railroad tracks now laid upon any of the streets or avenues above named, they are authorized so to do; and in case they cannot agree with the owner or owners thereof, respecting the compensation or payment to be made therefor, then the amount of such compensation or payment shall be ascertained and determined in the manner provided by subdivision 6 of section 28 of the General Railroad Act of 1850; and should any real estate or interest therein be required for the purpose of constructing said railroad on said route or routes as above specified and authorized, for which the persons above named or their assigns shall be unable to agree with the owner or owners for the use or purchase thereof, they may acquire the right to use or the title to the same in the manner provided in sections 14 to 21, inclusive, of said General Railroad Act, except that, in any proceeding for any of the purposes authorized by this section, it shall not be necessary that the petition to the Supreme Court make any allegations of or reference to any incorporation, capital stock, surveys or maps, or of the filing of any certificate of location; but in all cases, the use of said streets and avenues, for the purposes of said railroad as herein authorized, shall be

considered a public use, consistent with the uses for which the city corporation holds said streets and avenues.

§ 4. The Legislature may at any time alter, amend or repeal.

§ 5. Act takes immediate effect.

1873. Chap. 517, p. 819.

Passed May 15th.

AN ACT to amend An Act entitled "An Act to amend An Act entitled 'An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania,' passed May second, eighteen hundred and sixty-three;" passed April twentieth, eighteen hundred and seventy-one.

§ 1. Section 9 of An Act entitled "An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania," passed May 2, 1863, as amended by chapter 892 of the Laws of 1867, and by chapter 658 of the Laws of 1871, is further amended by adding to the end thereof as follows:

It shall also be lawful, and the corporation formed under this act is authorized to lay single or double tracks and operate the same by horse power through and along Westchester avenue or Southern Westchester Turnpike, from its junction with Third avenue or Boston Road, in the town of Morrisania, through the towns of West Farms and Westchester to Westchester village, and along Morris street and Locust avenue, in the town of West Farms, from the Harlem Railroad to West Farms village. But no greater rate of fare than five cents per mile, or for any distance less than

one mile in addition to the fare authorized by section 5 of An Act entitled "An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania," passed May second, eighteen hundred and sixty-three, shall be charged on either of the branch tracks of said corporation authorized by this section.

§ 2. Act takes immediate effect.

See Chap. 361 of 1863, Chap. 892 of 1867, Chap. 658 of 1871.

1873. Chap. 647, p. 1016.

Passed May 29.

AN ACT in relation to the Bleecker street and Fulton Ferry Railroad Company, of the City of New York.

§ 1. Said company shall, in lieu of the payment to the corporation of the city of a license of fifty dollars for each and every car used by said company, specified in section 3 of chapter 199 of the Laws of 1873, annually on the first day of October, pay into the city treasury, one per cent. of the gross receipts of said company, the amount of which gross receipts shall be determined by the sworn statement of the president and treasurer of said company, but subject to the inspection of their books by the Comptroller of the city; provided, however, that said payment of one per cent. shall not commence to be computed until October 1st, 1875, unless the extension of said railroad granted by said chapter 199, shall be completed and in operation prior to said date; and in such case, then said computation of one per cent. shall commence from the date of such completion and operating of said extension of said railroad.

§ 2. Act takes immediate effect.

Modifies Chapter 199 of 1873.

1873. Chap. 825, p. 1238.

Passed June 24.

AN ACT to authorize the laying of rails and to run cars thereon for the transportation of passengers in certain streets and avenues in the upper part of the City of New York.

§ 1. Isaac M. Walton, Rufus K. McHarg, Richard L. Hill, A. B. Styles, George White, David V. Freeman, Richard H. Bishop, John F. Bingham, Charles W. Carpenter, and others [named] and their assigns, are authorized and empowered to lay, construct, operate, maintain and use railways with a double or single track, in the City of New York, and to carry passengers thereon for compensation, through, upon and along the following streets of said city, to wit: Commencing at Manhattan street, North River, through and along Manhattan street, St. Nicholas avenue, and 110th street, with double tracks, to the East River; also from the corner of 110th street and 1st avenue, along 1st avenue and 109th street, with single track, to Avenue A; along Avenue A, with single track, to connect with their track at 110th street; also from their tracks at the corner of 10th avenue and 86th street, along 86th street, with double tracks, to the North River; also from Manhattan street, along and upon 10th avenue, as soon as said avenue is regulated and graded, with double tracks, to 42d street; also from the corner of 42d street and 10th avenue, along 42d street, with double tracks, to the ferry, foot of 42d street, North River; also from 42d street, through and along 12th avenue, with double tracks, to 34th street, together with the necessary connections,

turn-outs, switches and convenient stands for the proper working and accommodation of said railway on said route.

§ 2. Said railway shall be constructed on the most approved plan for the construction of city railways, and cars shall be run as often as the convenience of the public may require; the said persons and their assigns are authorized to charge and collect five cents for each passenger conveyed upon said railways. Wherever the track or tracks of said railway shall cross or intersect the track or tracks of any railway, by mutual agreement between the owners of said respective railways, transfer tickets may be issued to passengers at an additional rate of fare, not exceeding three cents, said transfer tickets to be received in full for fare to any point on the line of said connecting railways, or either of them.

§ 3. In the construction, operation or use of such railways upon the route or routes herein designated, should said persons or their assigns deem it necessary or proper to run upon, along and over or intersect or use any portion of any other railway tracks now laid upon any of the streets or avenues above named, they are authorized so to do, and in case they cannot agree with the owner or owners thereof respecting the compensation or payment to be made therefor, then the amount of such compensation or payment shall be ascertained and determined in the manner provided by subdivision 6 of section 28 of the General Railroad Act of 1850. And should any real estate or interest therein be required for the purpose of constructing said railways on said route or routes as herein specified and authorized, for which the persons above named or their assigns, shall be unable to agree with the owner or owners for the use or purchase thereof, they may acquire the right to use, or the title to the same, in the manner specified in sections 14 to 21,

inclusive, of said General Railroad Act, as the same is amended by subsequent acts, except that in any proceeding for any of the purposes authorized by this section, it shall not be necessary that the petition to the Supreme Court make any allegation of or reference to any incorporation, capital stock, surveys or maps, or of the filing of any certificate of location; and during the pendency of such proceedings, said persons or their assigns shall be permitted to enter upon, connect with and use portions of other tracks already laid in any of the streets or avenues named herein, as may be necessary to perfect and carry into effect the provisions of this law, upon their giving good and sufficient security, to be approved by one of the Justices of the Supreme Court, for the payment of the amount of the award, which may be made by arbitration or by order of the Supreme Court; and all actions or proceedings in law relating to, affecting or arising under this act, or the authority hereby given, shall be commenced in the Supreme Court of the First Judicial District, and shall have preference over all cases on the calendar of said Court not now preferred by statute; but in all cases, the use of said streets or avenues for the purposes of said railways, as herein authorized, shall be considered one of the uses for which the corporation of the city holds said streets and avenues.

§ 4. The first nine persons or grantees named in the foregoing first section of this act shall, as soon as practicable after its passage, by a notice in writing signed by them, convene a meeting of the persons or grantees named in said first section, or their assigns, at a time and place in New York City, to be designated in said notice of organization, a copy of said notice shall be served upon each of the other grantees or their assigns, either in person or by depositing the same in the Post Office, addressed to him at the Post Office nearest

his last known place of residence or business, at least twenty days before the day specified for such meeting therein.

§ 5. And for the rights and privileges herein granted, said persons or their assigns shall annually, on the first day of November of each year, pay into the Treasury of the city three per cent. of the gross receipts of the road herein provided for; the amount of such gross receipts shall be determined by the sworn statement of the president and treasurer of said railroad, but subject to the inspection of its books by the Comptroller of the city.

§ 6. The Legislature may at any time repeal, alter or amend.

§ 7. Act takes immediate effect.

Amended Chapter 483 of 1875.

1873. Chap. 837, p. 1253.

Passed June 26th.

AN ACT to amend chapter 885, Laws of 1872, entitled "An Act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe and speedy system of transit through the City of New York," passed June 17, 1872.

§ 1. The Gilbert Elevated Railway Company, incorporated under and in pursuance of the provisions of chapter 885 of the Laws of 1872, are hereby authorized and directed to change and alter the route of said railway as designated and established by the Board of Commissioners appointed in and by said Chapter 885, from the intersection

of 6th avenue and 4th street, over and along 4th street to South Fifth avenue, so that the same shall extend from said intersection of 6th avenue and 4th street, over and along 6th avenue to Amity street; thence over and along Amity street to South Fifth avenue to connect with the route of said railway so designated and established.

§ 2. Said company is forbidden and prohibited from building or constructing its railway or any part thereof on or upon Broadway in said city south of or below 34th street; and instead of that part of the line of said company's road as fixed by the commissioners appointed by said chapter 885, upon Broadway below 34th street aforesaid, a line shall be fixed and determined for said company from the southerly end of West Broadway to Bowling Green by the commission herein provided for. And the Governor of this State shall, within 30 days after the passage of this Act, appoint five commissioners who shall, within three months thereafter, fix, locate and determine a line from the southerly end of West Broadway to Bowling Green west of the westerly line of Broadway; and upon such line said company is hereby authorized to construct its said road.

§ 3. Act takes immediate effect.

See Chapter 275 of 1874.

1874. Chapter 275, p. 331.

Passed April 28th.

AN ACT supplementary to Chapter 885 of the Laws of 1872, entitled "An Act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe and speedy system of transit through the City of New York, passed June 17th, 1872.

§ 1. The Commissioners appointed in pursuance of Chapter 837 of the Laws of 1873, entitled "An Act to amend Chapter 885, laws of 1872, entitled 'An Act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe and speedy system of transit through the City of New York, passed June 17th, 1872,'" prohibiting said company from building and constructing its railway on certain portions of its line as laid down by the Commissioners appointed by Chapter 885 above referred to, having completed their labors within the required time, and delivered their report, re-locating the route, to said railway company, said company shall have two years after the passage of this act to construct the same to 42nd street; six months in addition to construct the same to 59th street; one year in addition to construct the same to 86th street; and six months in addition to construct the same to Harlem River; and no omission to construct any portion shall work forfeiture, of this franchise, in respect to any section of said tubular ways and railways which may have been commenced or completed.

§ 2. The Gilbert Elevated Railway Company is authorized and empowered to extend its tubular ways and railways through, over and along 6th avenue from 53rd to 59th street and said company shall execute and deliver to the Comptroller of the City their Corporate Bond with sufficient sureties to be approved by said Comptroller to the Mayor,

Aldermen and Commonalty of the City of New York, conditioned for the payment of One hundred thousand dollars to said Mayor, &c., in case the railways herein authorized shall not be constructed within six months after the time herein specified, said time being extended so long as said company may be necessarily and unavoidably hindered or delayed by the pendency of any legal proceeding against it.

§ 3. Act takes immediate effect.

See Chapter 837 of 1873.

1874. Chap. 349, p. 463.

Passed May 7th.

AN ACT to amend an act entitled "An Act to incorporate the New York Floating Dry Dock Company," passed April 18th, 1843.

* * * * *

§ 2. Section 3 of said act is amended so as to read as follows:

The corporation hereby created shall be capable of purchasing, holding, conveying, locating or hiring such lands, tenements and hereditaments as may be necessary and convenient to carry into effect the objects of said company, and it shall be lawful for the floating docks of said company to be used, with the consent of the owners of the piers or bulkheads occupied for such use, or of the persons entitled to collect wharfage for such piers or bulkheads, for the purpose of taking up ships and vessels for repairs, coppering or finishing in the manner heretofore practiced in the Port of New York, subject to any authority of the Common Council of the City, by ordinance to regulate the use of the slips, piers and wharves of said city.

§ 3. Act takes immediate effect.

1874. Chap. 400, p. 519.

Passed May 9th.

AN ACT to provide for the transmission of letters, parcels, packages, mails, messages, merchandise and property between the City of New York and the villages, towns and cities in the vicinity thereof.

§ 1. L. W. Emerson, H. Tracy Arnold, T. L. Harison, C. H. Scrymser, I. M. Strong, John R. Lawrence, and their assigns and such persons as they may associate with them, are authorized and empowered to lay down, construct and maintain tubes of iron, wood or other material underground and beneath the bed of navigable waters in and between the City of New York and the villages, towns and cities in the neighborhood thereof, at such depth below the bed of such waters as not to interfere with the channels, anchorage or navigation thereof, and for the purpose of such construction under ground shall have the right to open any street or avenue in any incorporated town or city, by and with the consent of the corporate authorities of such town or city, excepting in the City of New York, where such consent shall be obtained from the Commissioner of Public Works, and to convey letters, parcels, packages, mails, messages, merchandise and property in and through said tubes, for compensation, by means of the pneumatic method of propulsion.

§ 2. Any person who shall willfully destroy or injure any of said tubes or any of the articles deposited therein shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than \$100, nor more than \$500, or by imprisonment not less than three nor more than six months or by both, and shall also forfeit and pay to said persons

or their assigns three times the amount of damages they may sustain by such damage, to be recovered with costs in any Court having jurisdiction.

§ 3. In case said persons shall so determine they may organize themselves into an association in the manner required and authorized in and by the act entitled "An Act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February 17th, 1848, and the amendments thereto, for the purposes stated in Section 1 of this act. The certificate to be executed for the purpose of forming such corporation may be signed and acknowledged by any three or more of said grantees, and upon the formation thereof said corporation shall possess all the powers and privileges conferred by said act and be subject to all the duties and obligations imposed therein not inconsistent with the provisions of this act.

§ 4. The Legislature may at any time alter, amend or repeal this act, and all acts or parts of acts inconsistent with this act are repealed.

Section 2 repealed, Chapter 593 of 1886.

1874. Chap. 478, p. 616.

Passed May 19th.

AN ACT to require the Eighth Avenue Railroad Company to extend its railroad route in the City of New York and to regulate the use and operation of the railroad of said company.

§ 1. For the better accommodation of the public, said company is required as soon as practicable to extend its existing railroad tracks from

their present terminus in 8th avenue, through and along said avenue northerly to the point where the Macomb's Dam Road intersects or meets 8th avenue, thence along said Macomb's Dam Road, with double or single tracks, to the westerly end of the Macomb's Dam Bridge, with the necessary curves, connections, turnouts and switches for the proper working and accommodation of such extension in connection with said existing railroad so as to provide a continuous railroad from the intersection of Vesey Street and Broadway and from the intersection of Canal Street and Broadway to the Harlem River at Macomb's Dam Bridge aforesaid. When said company shall have completed the extension of its railroad as required by this act, it shall run its cars thereon as often as the public convenience may require, and for the transportation of each passenger upon its railroad route when so extended, it shall be lawful for said company to charge and receive the same fares now charged by it, for the conveyance of passengers, and no more.

§ 2. When the extension required by this act shall be completed and put in operation, said company shall use, maintain and operate its railroad during the term for which said company was incorporated upon and along the several streets and avenues in New York City upon and over which its railroad is now in use and operation and upon and over such extension, subject only to the provisions of the General Railroad Act of this State with its amendments, which shall be applicable to the railroad and extension hereby granted, except as herein provided.

§ 3. Repeals inconsistent acts and parts of acts.

§ 4. Act takes immediate effect.

1874. Chap. 503, p. 694.

Passed May 20th.

AN ACT changing the name of the "Beach Pneumatic Transit Company," to "The Broadway Underground Railway Company," and extending its powers.

§ 1. The name of the "Beach Pneumatic Transit Company" is changed to "The Broadway Underground Railway Company," and all the rights, powers, duties and obligations heretofore conferred upon, possessed, or assumed by said "Beach Pneumatic Transit Company," shall be possessed, enjoyed and kept by said "The Broadway Underground Railway Company," and all suits or proceedings pending in which said "Beach Pneumatic Transit Company" is a party, shall be continued in the name of "The Broadway Underground Railway Company," and any stockholder in said company may be eligible as a Director thereof.

§ 2. Said company, in pursuance of the provisions of Chapter 185 of the Laws of 1873, may construct their tunnels and railways one foot larger than provided for in said act.

§ 3. Said company is required to construct, as the first section of its railway, that portion of its line from the Battery to Bowling Green to a connection with the New York and Harlem Railway at or above 42d Street. And whenever said "The Broadway Underground Railway Company" shall prove to the satisfaction of the board of engineer commissioners provided for in said chapter 185, that the whole Capital Stock of said company has been subscribed, or other financial arrangements made for completing said first section, within three years after the passage of this act, said board of engineer commissioners shall execute a certificate

in duplicate to that effect, which shall be filed, as directed in said chapter 185, and said company may then proceed with the work of construction; but in case of delay by legal proceedings, which shall compel the stoppage of the work, the time so lost shall be added to the time allowed herein for completing said first section. Within six months after the passage of this act said company shall execute and deliver to the Comptroller of the city their corporate bond to the Mayor, Aldermen and Commonalty of the City of New York, with sufficient sureties, to be approved by said Comptroller, conditioned for the payment of one hundred thousand dollars to said Mayor, Aldermen and Commonalty, in case the said first section of said road shall not be completed and ready for use within three years from the passage of this act.

§ 4. Repeals all inconsistent acts and parts of acts.

§ 5. Act takes immediate effect.

See Chapter 842 of 1868,
Chapter 512 of 1869,
Chapter 185 of 1873,
Chapter 454 of 1881, and
Chapter 312 of 1886.

1874. Chap. 508, p. 697.

Passed May 20th.

AN ACT to authorize the construction of a railway from Vesey street, through certain streets in the City of New York, to the South Ferry.

§ 1. James Rogers, John Flannagan, Theodore P. Rutan and others, [named,] their associates and assigns, are authorized and empowered to construct, operate, maintain and use railways, with

single or double tracks, in the City of New York, and to convey passengers thereon for compensation through, upon and along the following routes, to wit :

Commencing at the northerly side of Vesey street; thence through, upon and along Church street, Morris street, Greenwich street, and Battery place, with double track, to State street; thence along State street and Whitehall street, with single track, to the South Ferry; returning along Whitehall street, to Bowling Green; thence along the southerly side of Bowling Green, to connect with double tracks at Battery place, together with the necessary connections, crossings, switches, turn-outs and convenient stands for the proper workings and accommodation of said railway on said route.

§ 2. Said railway shall be constructed on the most approved plan for the construction of city railways, and the cars shall be run as often as the convenience of the public may require; and said persons and their assigns are authorized to charge and collect three cents for each passenger conveyed upon said railway. Wherever the track or tracks of said railway shall cross or intersect the track or tracks of any railway, by mutual agreement between the owners of said respective railways, transfer tickets may be issued to passengers at an additional rate of fare, not exceeding three cents, said transfer tickets to be received in full for fare to any point on the line of said connecting railways, or either of them, and said railway shall be subject to such reasonable rules and regulations as the Common Council from time to time may prescribe. Said persons or their assigns shall annually, on the first day of November, pay into the City Treasury one per cent. of the gross receipts of the road herein provided for, the amount of which gross receipts shall be determined by the sworn

statement of the president and treasurer of the said railway, but subject to the inspection of its books by the Comptroller of the city.

§ 3. If it shall become necessary, in the construction, operation and use of said railway upon the route or routes herein designated, for said persons or their assigns, to run upon, intersect or use any portion of other railroad tracks now laid upon any of said streets, the persons hereby authorized to construct and operate said railway are authorized and empowered to run upon, intersect and use the same upon such terms as may be agreed upon between them and the owners of such other railroad. In case no terms of compensation for such operating and use can be agreed upon between the parties, then the amount of such compensation shall be ascertained and determined in the manner provided by subdivision 6 of the 28th section of the General Railroad Act of 1850. The persons hereinbefore mentioned, their successors and assigns, shall have power to acquire title to the right to use such real estate as may be required for the purposes of said railway, in the manner provided in sections 14 to 21 inclusive of said General Railroad Act, except that in any of the proceedings for this purpose it shall not be necessary that the petition to the Supreme Court shall make any allegation of, or reference to any incorporation, capital stock, surveys or maps, or of the filing of any certificate of location, and during the pendency of such proceedings said persons or their assigns shall be permitted to enter upon, connect with and use portions of other tracks already laid in any of the streets named herein, as may be necessary to perfect and carry into effect the provisions of this act, upon their giving good and sufficient security, to be approved by one of the Justices of the Supreme Court for the payment of the amount of the award, which may be made by arbitration or by order of the Supreme

Court, and all actions and proceedings in law relating to, affecting or arising under this act, or the authority hereby given, shall be commenced in the Supreme Court of the First Judicial District, and shall have preference over all cases on the calendar of said court not now preferred by statute, but in all cases the use of said streets for the purposes of said railway, as herein authorized, shall be considered one of the uses for which the City corporation holds said streets.

§ 4. The first three persons or grantees named in the first section of this act shall, as soon as practicable after its passage, by a notice in writing signed by them, convene a meeting of the persons or grantees named in said first section, or their assigns, at a time and place, in New York City to be designated in said notice. A copy of said notice shall be served upon each of said grantees, or their assigns, either in person or by depositing the same in the Post Office, addressed to him at the Post Office nearest his last known place of residence or business, at least twenty days before the day therein specified for such meeting. Two-thirds of the persons named, or their assigns, at said meeting shall be competent to organize, and shall possess the corporate powers necessary to carry out the purposes of this act.

§ 5. The Legislature may at any time alter, amend or repeal.

§ 6. Act takes immediate effect.

Amended Chapter 393 of 1875.

1874. Chap. 553, p. 745.

Passed May 22.

AN ACT to amend an act entitled "An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania," passed May 2d, 1863.

§ 1. Section 8 of the above mentioned act of May 2d, 1863, is amended to read as follows:

§ 8. It shall be lawful, and the corporation formed under this act is authorized, to lay single or double tracks, and use and operate the same, along St. Ann's avenue to its southern terminus, and along Van Stoll street, otherwise known as 138th street, from Third avenue to the Harlem River; also along College avenue, from Kingsbridge Road to its intersection with the road known as Fordham and Pelham avenue, and along said last-named avenue to Pelham Bridge in the town of Westchester; and also from the present terminus of the tracks of said corporation at or near Locust avenue, in the late town of West Farms, along the main road, leading in an easterly direction to the point where said main road intersects the Westchester turnpike, in said town of Westchester. But no greater fare than five cents per mile for any distance, in addition to the fare authorized by section 5 of the act hereby amended, shall be charged on either of the tracks of said corporation authorized by this act.

§ 2. Act takes immediate effect.

Amends Chapter 361 of 1863.

1875. Chap. 295, p. 286.

Passed May 13th.

AN ACT to amend Chapter three hundred and sixty-one of the Laws of eighteen sixty-three, entitled "An Act to authorize the construction of a railway and tracks in the Towns of West Farms and Morrisania."

§ 1. Section 8 of said Chapter is amended so as to read as follows:

§ 8. It shall be lawful, and the corporation formed under this act is authorized, to lay single or double tracks, and use and operate the same along St. Ann's Avenue to its southern terminus, and along Van Stoll Street, otherwise known as 138th Street, from Third Avenue to Harlem River; also along College Avenue from Kingsbridge Road to its intersection with the road known as Fordham and Pelham Avenue, and along said last-named avenue to Pelham Bridge in the Town of Westchester; also from the present terminus of the tracks of said corporation at or near Locust Avenue, in the late Town of West Farms, through and along the main road leading in an easterly direction to the point where said main road intersects the Westchester turnpike in said Town of Westchester. But no greater fare than five cents per mile, or for any distance less than a mile, in addition to the fare authorized by Section 5 of the act hereby amended, shall be charged on either of the tracks of said corporation authorized by this act.

§ 2. Act takes immediate effect.

. 1875. Chap. 389, p. 459.

Passed May 18th.

AN ACT to amend the Act and the title of an Act entitled "An Act to authorize the Bleecker Street and Fulton Ferry Railroad Company of the City of New York, to extend their railroad tracks through certain streets and avenues of the City of New York," passed April 11th, 1873.

§ 1. The title of said act of April 11th, 1873, is amended to read as follows: "An Act to authorize the Bleecker Street and Fulton Ferry Railroad Company of the City of New York, to extend their railroad tracks through certain streets and avenues in the City of New York, and to authorize the said Company to lease all or any portion of their railroad, and extensions to any other Railroad Company."

§ 2. Any railroad company is authorized to take a lease of all or any portion of said railroad and extensions, provided the stockholders of the Bleecker Street and Fulton Ferry Railroad Company holding a majority of the stock of said company shall assent thereto.

§ 3. Act takes immediate effect.

Amends chapter 199 of 1873.

1875. Chap. 393, p. 455.

Passed May 19.

AN ACT to amend chapter 508 of the Laws of 1874, entitled "An Act to authorize the construction of a railway from Vesey street through certain streets in the City of New York to the South Ferry."

§ 1. Section 2 of said chapter 508 is amended to read as follows :

§ 2. Said railway shall be constructed on the most approved plan for the construction of city railways, and the cars shall be run as often as the convenience of the public may require; and said persons and their assigns are authorized to charge and collect five cents for each passenger conveyed upon said railway. Wherever the track or tracks of said railway shall cross or intersect the track or tracks of any railway, by mutual agreement between the owners of said respective railways, transfer tickets may be issued to passengers at an additional rate of fare, not exceeding three cents, said transfer tickets to be received in full for fare to any point on the line of said connecting railways, or either of them, and said railway shall be subject to such reasonable rules and regulations as the Common Council from time to time may prescribe. The said persons or their assigns shall annually, on the first day of November, pay into the City Treasury two per cent. of the gross receipts of the road herein provided for, the amount of which gross receipts shall be determined by the sworn statement of the president and treasurer of the said railway, but subject to the inspection of its books by the Comptroller of the City.

§ 2. Act takes immediate effect.

1875. Chap. 483, p. 565.

Passed June 5th.

AN ACT to amend chapter 825 of the Laws of 1873,
entitled "An Act to authorize the laying of
" rails and to run cars thereon for the trans-
" portation of passengers in certain streets
" and avenues in the upper part of the City of
" New York.

§ 1. Section four of the above mentioned chapter 825 is amended so as to read as follows :

§ 4. The first nine persons or grantees named in the foregoing first section of this act shall, as soon as practicable, after its passage, by a notice in writing signed by them, convene a meeting of the persons or grantees named in the said first section, or their assigns, for the purpose of organizing at a time and place in New York City to be designated in said notice of organization. A copy of said notice shall be served upon each of the other grantees, or their assigns, either in person or by depositing the same in the post-office, directed to him at the post-office nearest his last known place of residence or business, at least twenty days before the day specified for such meeting. Two-thirds of the persons named, or their assigns, at said meeting shall be competent to organize, and shall possess all the powers necessary to carry out the purposes of this act.

§ 2. Act takes immediate effect.

1875. Chapter 485, p. 566.

Passed June 5.

AN ACT authorizing the Board of Engineers of the Fourth Avenue Improvement to alter their plans for crossing at and between 51st and 53d streets, in the City of New York.

§ 1. The Board of Engineers of the Fourth Avenue Improvement, organized pursuant to chapter 702 of the Laws of 1872, are authorized, if they shall deem it expedient so to do, to alter their plans and specifications for said improvement by changing the location of the bridge over the railroad and the approaches thereto by said Act, directed to be constructed between 52d and 53d streets to between 51st and 52d streets, instead of between 52d and 53d streets, and to locate the foot bridge at 53d street, instead of at 51st street, and in such case to file plans and specifications, showing such changes of location, in the office of the Comptroller of the said city, with like effect as to such bridges and approaches and changes rendered necessary thereby, as if the same had been exhibited upon the plans and specifications authorized by said Act, but nothing in this Act contained shall be construed to interfere with the work of the improvement of said avenue, as now in progress under the direction of the said Board of Engineers, in any respect, except as to said bridges and approaches and the work made necessary by such changes of location, nor shall the cost to the city of said improvement be increased by the changes of location authorized hereby.

§ 2. Act takes immediate effect.

See chapter 702 of 1870.

1875. Chapter 595, p. 727.

Passed June 17.

AN ACT to authorize and require the New York Elevated Railroad Company to continue and complete its railroad in the City of New York, and to regulate the construction, operation and management thereof.

§ 1. The New York Elevated Railroad Company, organized, incorporated and existing under and by virtue of the provisions of the General Railroad Act of 1850, and the laws amendatory and in addition thereto, having acquired by purchase under mortgage foreclosure and sale and other transfer, all the rights, powers, privileges and franchises which were conferred upon "The West Side and Yonkers Patent Railway Company," in and by an Act of the Legislature entitled "An Act to provide for the construction of an experimental line of railway, in the Counties of New York and Westchester," passed April 22, 1867; and in and by an Act entitled "An Act supplemental to chapter 489 of the laws of 1867, and to provide for the collection of revenue in the County of New York, in certain cases," passed June 3, 1868, is hereby confirmed in the possession and enjoyment of the said rights, powers, privileges and franchises, as fully and at large as they were so granted, in and by the Acts aforesaid, to the said "West Side and Yonkers Patent Railway Company," provided always that nothing herein contained shall impair any legal or equitable rights or remedies remaining in said West Side and Yonkers Patent Railway Company, or any stockholder or creditor thereof.

§ 2. Said New York Elevated Railroad Company is authorized and required to construct and complete at least one track, with turn-outs and side tracks, of its elevated railroads, at any time

within five years after the passage of this act (unless delayed by legal proceedings, or some authority beyond the control of the company), along and over the streets and places specified and permitted in the aforementioned acts, in the mode, manner and form prescribed by said acts, except as herein otherwise provided.

§ 3. The Commissioners appointed under and by virtue of the provisions of the aforesaid "Act to provide for the construction of an experimental line of railway in the counties of New York and Westchester," are hereby continued with the same authority, powers and duties, in respect to the said New York Elevated Railroad Company, as are in and by said acts hereinbefore mentioned, conferred upon them in respect to the said "West Side and Yonkers Patent Railway Company." All vacancies occurring in said Commission shall be filled by the Governor. The compensation of the Commissioners shall be ten dollars each, for each day's service, to be paid by said company, on proper vouchers rendered.

§ 4. Said New York Elevated Railroad Company may make and adopt such alterations and improvements in the structure, rolling stock, motor power and its application, and in the position, grade, elevation and depression of the tracks, and the mode of securing and strengthening its said railroads, sideways, crossings, stations and turnouts, as said commissioners, or a majority of them, may authorize or approve; except that on places south of 96th street, the track shall not be less than fourteen feet above the surface of the street. And the location of the lines or routes not specifically located by law, and the position and construction of the tracks, side-tracks, turnouts, stations and other structures which said company is or may be authorized by law to construct, may be such as said company may adopt and said commissioners approve.

§ 5. In and through that section of the city, where, by the provisions of section 4 of the aforesaid act (chapter 489 of the Laws of 1867), the said railroad company is authorized to locate its roadways and tracks, stations, turn-outs and crossings "along 9th avenue or streets west thereof," the particular location, form and structure, and number of tracks and grades, elevations and depressions thereof, may be such as the commissioners aforesaid, or a majority of them, shall designate and approve.

§ 6. Said company may demand and receive from each passenger on its railroad not exceeding ten cents for any distance of five miles or less, and, with the assent required by section 3 of chapter 855 of the Laws of 1868, not exceeding two cents for each additional mile or fractional part thereof.

§ 7. This act shall not be so construed as to authorize the building or extension of their said road through, along or upon any streets or avenues, except along Greenwich street to 9th avenue, and along 9th avenue or streets west of 9th avenue, to the Harlem river, as authorized by section 4 of chapter 489 of the Laws of 1867.

§ 8. Said company shall construct and complete one track, with sidings and turn-outs of its railway, along its established route, as far north as Central Park, within eighteen months from the passage of this act, necessary and unavoidable delays from the pending of legal proceedings excepted.

§ 9. Repeals all inconsistent acts and parts of acts.

§ 10. Act takes immediate effect.

See chapter 489 of 1867, chapter 855 of 1868.

1875. Chap. 606, p. 740.

Passed June 18th.

AN ACT further to provide for the construction and operation of a steam railway or railways in the counties of the State.

§§ 1, 2 and 3 provide for the appointment by the Board of Supervisors of a county, or the Mayor of a city, of five Commissioners and for their certificate of appointment, oath and bond, and their meeting and organization as a board.

§ 4. Said Commissioners shall, within 30 days after such organization, determine upon the necessity of such steam railway or railways, and if they find such railway or railways to be necessary in such county, they shall, within 60 days after such organization, fix and determine the route or routes for such steam railway or railways, and said Commissioners shall have the exclusive power to locate the route or routes of such railway or railways, over, under, through or across the streets, avenues, places or lands in such county, "except Broadway and Fifth avenue, below Fifty-ninth street, and Fourth avenue, above Forty-second street, in New York City," and except such portions of streets and avenues as are already legally designated for the main line of or occupied by an elevated or underground railway, in actual operation, and except such as are contained in public parks, or occupied by buildings belonging to such county, or to this State, or to the United States, * * *

* * * * *

§ 41. It shall not be lawful for any company organized under the provisions of this act, or under any other act heretofore passed, to construct a

steam railway upon St. Nicholas avenue, in New York city, or those streets or avenues in said city commonly known as boulevards, except to cross the same, under such regulations as shall be imposed by the Commissioners provided for by this act, * * * . The provisions of this section shall not be deemed to apply to any existing horse street railway heretofore authorized to be constructed.

§ 42. Act takes immediate effect.

See Chapter 417 of 1880, Chap. 485 of 1881, Chap. 393 of 1882, Chap. 551 of 1886.

1875 Chap. 615, p. 778.

Passed June 21.

AN ACT to reduce rates of ferriage on certain ferry routes between the city of New York and the Seventeenth Ward of the city of Brooklyn, and to establish rates of ferriage thereon, and to regulate the running of said ferries.

§ 1. On and after the passage of this act it shall not be lawful for any person or corporation operating any ferry along that portion of the city of New York between Houston and Thirty-fourth streets and the Seventeenth Ward of the city of Brooklyn to charge, collect or receive ferriage at a higher rate than three cents for each foot-passenger, during any portion of the day or night. The rates for wheel vehicles of all kinds, and for neat cattle, sheep and hogs, on all such ferries, shall not exceed those at present charged, collected and received.

§ 2. Such persons or corporations operating any such ferry shall provide and navigate on each sep-

arate ferry between said places good and substantial steam ferry boats, which shall be run in such manner that one of said boats shall leave the slips as often as once in every fifteen minutes between 6 A. M. and 9 P. M., and between 9 P. M. and midnight once in every thirty minutes; and the boats running between Twenty-third street, New York, and said Seventeenth Ward shall continue to run after midnight, and until 6 A. M., once in every thirty minutes.

§ 3. If any such persons or corporations operating any such ferry, shall demand and receive any higher rate of ferriage for foot passengers than prescribed in this act, or for wheel vehicles, neat cattle, sheep and hogs, any higher rate than is now established, or shall omit to run boats within the hours and time herein specified, when the same can be done with safety, any such person or corporation shall forfeit and pay to any person aggrieved the sum of Fifty Dollars for each and every offense, to be recovered before any Justice of the Peace in any Court having cognizance thereof; and framed copies of this act, and of the existing ferry rates for other than foot passengers, shall be printed in clear and legible type, and suspended within view in the several offices and waiting rooms of the ferries above described.

§ 4. Repeals all inconsistent acts and parts of acts.

§ 5. Act takes immediate effect.

1876. Chap. 16, p. 9.

Passed February 8th.

**AN ACT to prevent injury to Animals in the City
of New York.**

* * * *

§ 2. Every person who shall throw, expose or place, or cause or procure to be thrown, exposed or placed in or upon any street, highway or public place in New York City, open for the passage of animals, except upon the curves, crossings or switches of railroad tracks, any salt, saltpeter or other substance for the purpose of dissolving any snow or ice, which may have fallen or been deposited thereon, shall be guilty of a misdemeanor.

§ 3. Act takes effect at the expiration of ten days after its passage.

Repealed Chapter 593 of 1886.

1876. Chap. 73, p. 56.

Passed March 24th.

**AN ACT to authorize the Commissioners of the
Sinking Fund of the City of New York to sell
at public auction the lease of the ferry from
Grand Street, in the City of New York, to
Grand Street in the City of Brooklyn.**

§ 1. Said Commissioners are authorized and directed, within twenty days from the passage of this act, to advertise in three of the daily newspapers having the largest circulation, published in New York City, and one newspaper published in the City of Brooklyn, for six days in each of said newspapers, a notice of the sale by public auction, at the expiration of said six days, to the highest

bidder, at a time and place to be designated therein, in New York City, of the lease for a period of ten years, of the full and absolute franchise, and right to run, maintain, operate and use with the franchises the ferry from Grand Street, in said City, to Grand Street in Brooklyn, together with the docks, slips and facilities now or heretofore used for the purpose of a ferry.

§ 2. Said Commissioners shall, within ten days after such sale, execute and deliver to the highest bidder, as aforesaid, a lease for the term of ten years from the date thereof, of said ferry, docks, slips and facilities; such lease to contain proper and reasonable restrictions as to the kind of boats to be used, the time of running the same, the kind of buildings to be erected for the accommodation of passengers at each terminus of said ferry, and the rate or rates of fare to be charged for the conveying of passengers, goods and merchandise, vehicles, animals and all other articles which may be conveyed over such ferry, all of which are to be specified and determined by said Commissioners. But such fare or charges shall not at any time exceed the fare or charges now made and collected by the Houston Street Ferry Company for similar services performed by them.

§ 3. Such lease shall also contain a suitable provision for the payment to such lessee or his assigns at the end of said term, by any other person or persons to whom such franchise and property shall thereafter be leased, of the value of the buildings, bridges and racks which shall have been provided by him or them for the operation of said franchises under such lease; such value to be ascertained by arbitration and appraisal in a manner to be provided in and by such lease.

§ 4. Repeals all conflicting acts and parts of acts.

§ 5. Act takes immediate effect.

1877. Chapter 60, p. 63.

Passed March 23rd.

AN ACT in relation to running ferryboats by the Union Ferry Company of Brooklyn across the East River.

§ 1. Said company is required to run a ferry boat from the foot of Whitehall street, New York, to the foot of Atlantic avenue, Brooklyn, once in every twelve minutes, from 5 o'clock in the morning until 10 o'clock at night, and once in every half hour from 10 o'clock at night to 5 o'clock in the morning, during the present lease.

§ 2. Act takes immediate effect.

1878. Chapter 393, p. 474.

Passed June 4th.

AN ACT to provide for the erection of an iron bridge at Fourth Avenue and the Eastern Boulevard at One Hundred and Sixteenth street in the City of New York.

§ 1. The Commissioner of Public Works of said city is authorized and directed to construct an iron bridge at the above mentioned place.

§ 2. The cost of said bridge shall be borne equally by the City of New York and the New York and Harlem Railroad Company.

§ 3. Act takes immediate effect.

1879. Chapter 354, p. 431.

Passed May 26th.

AN ACT for the relief of the New York Tunnel Company.

§ 1. Said Company may, by an affirmative vote of a majority in interest of its stockholders, at its next election for directors, elect nine directors to manage its affairs, who shall hold their office for one year, and until others are elected in their place.

§ 2. The time for the completion of the tunnel or tunnels heretofore authorized to be constructed by said company is hereby extended for five years.

§ 3. Act takes immediate effect.

1879. Chapter 529, p. 580.

Passed June 19th.

AN ACT restricting the right to grant, use, or occupy certain streets in the city of New York, for the purposes of an elevated railroad.

§ 1. It shall not be lawful to grant, use, or occupy for the purposes of an elevated railroad any portion of the following named streets and places in the city of New York, that is to say, Second avenue below Twenty-third street, Nassau street, Printing-House Square, so-called, south of Frankfort street, Park-Row, Broadway south of Murray street, Broad street, and Wall street. But nothing herein contained shall be construed to take away any right given by the report of the Rapid Transit Commissioners so-called, or any existing right to cross at an elevation any of said streets, or to affect any act heretofore passed restricting the right to use or occupy any of said streets.

§ 2. Act takes immediate effect.

1880. Chap. 417, p. 607.

Passed May 26.

AN ACT to amend Chapter Six hundred and six of the laws of 1875, entitled "An Act further to provide for the construction and operation of a steam railway or railways in the counties of the State."

§ 1. Amends Section 4 of said chapter 606, but not in any manner affecting the City of New York in particular.

See Chapter 485 of 1881, Chapter 393 of 1882, Chapter 551 of 1886.

1881. Chap. 289, p. 394.

Passed May 17.

AN ACT to improve and regulate the use of Fourth avenue at Ninety-seventh and Ninety-eighth streets in the City of New York.

§ 1. Upon the New York and Harlem Railroad Company filing with the Comptroller of the City of New York a bond to pay one-half of the cost thereof when the same shall be completed, it shall be the duty of the Mayor &c. of the city to construct an iron bridge for foot passengers and carriages over Fourth avenue at Ninety-seventh street in New York City at an elevation above the railroad at least equal to that of the bridge now spanning said avenue at Forty-fifth and Forty-eighth streets. Such bridge to be constructed upon plans and specifications to be approved by the Commissioner of Public Works, and it shall be the duty of said Commissioner to cause such bridge to be constructed as soon as practicable after the passage of this act and the filing of said

bond. The grade of Ninety-seventh street shall be conformed to the elevation required for said bridge.

§ 2. The Board of Apportionment shall include one-half the cost of the work to be certified to them by the Comptroller in the next annual tax levy, and the same shall be raised by tax upon the real and personal property subject to taxation in the City and County of New York.

§ 3. Fourth avenue at Ninety-eighth street shall not be crossed by foot passengers or carriages on the level of the railroad, but said street shall be closed for that purpose at the easterly and westerly lines of said avenue.

§ 4. This act takes immediate effect.

1881. Chap. 454, p. 616.

Passed June 4.

AN ACT to amend Chapter five hundred and three of the laws of eighteen hundred and seventy-four, entitled "An Act changing the name of the 'Beach Pneumatic Transit Company' to 'The Broadway Underground Railway Company,' and extending its powers."

§ 1. Section three of said Chapter Five hundred and three is amended so as to read as follows:

§ 3. Said company is required to construct, as the first section of its railway, that portion of its line from the Battery or Bowling Green to a connection with the New York and Harlem Railway at or above Forty-second street. Whenever said, "The Broadway Underground Railway Company," shall prove to the satisfaction of the Board of Engineer Commissioners provided for in Chapter 185 of the Laws

of 1873 aforesaid, that the whole capital stock of said company has been subscribed or other financial arrangements made for completing the first section of its railway within five years from July first, 1881, said Board of Engineer Commissioners shall execute a certificate in duplicate to that effect, which shall be filed as directed in said Chapter 185, and said Company may then proceed with the work of construction; but in case of delay by legal proceedings, which shall compel a stoppage of the work, the time so lost shall be added to the time allowed herein for completing said first section. Within twelve month after the passage of this act, said company shall execute and deliver to the Comptroller of the City of New York their corporate bond to the Mayor, &c. of the City of New York, with sufficient sureties to be approved by said Comptroller, conditioned for the payment of one hundred thousand dollars to said Mayor, Aldermen and Commonalty, in case the first section of said road shall not be completed and ready for use within five years from the passage of this act.

§ 2. Repeals all acts and parts of acts inconsistent with the provisions of this act.

§ 3. Act takes immediate effect.

See Chapter 842 of 1868, Chapter 512 of 1869, Chapter 185 of 1873, Chapter 503 of 1874, Chapter 312 of 1886.

1881. Chap. 485, p. 657.

Passed June 10.

AN ACT to amend and supplementary to Chapter Six hundred and six of the laws of eighteen hundred and seventy-five, entitled "An Act further to provide for the construction and operation of a steam railway or railways in the counties of the State," as amended by chapter four hundred and seventeen of the Laws of eighteen hundred and eighty.

§ 1 amends section 4 of said chapter 606 of the Laws of 1875, as amended by said chapter 417 of the Laws of 1880, but not as affects the City of New York in particular, except that the word "and" is in one place substituted for the word "above," so that the amended section read "Fourth avenue *and* Forty-second street" instead of as in the original act "Fourth avenue *above* Forty-second street."

See chap. 393 of 1882, chap. 551 of 1886.

1881. Chap. 636, p. 860.

Passed July 13.

AN ACT supplementary to Chapter eight hundred and thirty-three of the Laws of eighteen hundred and seventy-two, relating to the Metropolitan Transit Company.

§ 1. A majority of the members of the Board of Engineers created by section four of said chapter 833 shall constitute a quorum, and be competent for the transaction of its business. And they are authorized and empowered to file in the office of the state engineer and surveyor in the city of Albany, surveys and maps of the routes, together

with the best approved plans of construction which said company are hereby authorized to adopt and to build said roads upon, as therein provided for, and as finally adopted and completed by them, and which filings shall have the same force and effect as if originally filed; and the time necessary to complete such surveys shall not form any portion of the time limited for the construction of said railroads, and the time required in section twelve of said act for the commencement of the construction of said roads shall be deemed not to have commenced until the making and filing of said maps, which shall be done within twelve months after the passage of this act. Nothing in this act or the original act of eighteen hundred and seventy-two, to which this is supplementary, shall authorize the building of an elevated railway along the streets bounding Reservoir Square or through Riverside or Morningside parks.

§ 2. Repeals all inconsistent acts and parts of acts.

§ 3. Act takes immediate effect.

1882. Chap. 193, p. 230.

Passed May 20.

AN ACT relating to the People's Ferry Company.

§ 1. The People's Ferry Company, duly incorporated pursuant to and in conformity with an Act of the Legislature, passed the 9th day of April, 1853, entitled "An Act to authorize the formation of corporations for ferry purposes," and the several acts of the legislature amendatory thereof, are authorized and empowered to establish, maintain and operate, and use, ferries by means of vessels propelled by steam or other improved power across the East river, to run from some

convenient and practicable place immediately north of the ferry slip now at the foot of Broadway, Brooklyn, to the foot of East Twenty-third Street, New York City, and to receive, transport and land persons and property and to receive and demand compensation therefor.

§ 2. Said company shall provide safe and suitable ferry boats, ferry houses, slips and landings of capacity to accommodate passengers and horses and vehicles of conveyance and drayage, but said company shall charge no higher rate for ferriage of foot passengers than three cents for each person at any time of the day or night, and the rate for the ferriage of horses and vehicles shall be twenty per cent. less than those established as the rate of ferriage on January 1st, 1882, on the ferry from Broadway, Brooklyn, to Roosevelt street, New York.

§ 3. The boats shall be run from each terminus as often as once every thirty minutes from five o'clock in the morning until one o'clock next morning, except that on Sundays or legal holidays they shall be run from each terminus as often as once every hour.

§ 4. If it shall become necessary for said company to procure the consent of any person or corporation for any franchise or interest belonging to such person or corporation, said company shall have power to procure the same, but nothing herein shall be so construed as to take away or impair any rights or franchises owned by the cities of New York or Brooklyn, but the proper authorities of the City of New York and the City of Brooklyn may lease to said company any slip or slips under their charge, between the lines designated in section one of this act, in said cities within which the ferries of said company are hereby established, in the manner now provided by law for the purpose

of taking up and landing passengers and vehicles in accordance with the intention of this act.

§ 5. Act takes immediate effect.

1882. Chap. 259, p. 312.

Passed June 1.

AN ACT to provide for additional ferry slips and facilities in New York City for the ferries operated and running between Whitehall street in the City of New York and the City of Brooklyn.

§ 1. The pier known and designated as Pier number two in the East river, in New York City, and the land under water lying easterly of said pier to the westerly side of Pier number three, shall after June 15, 1882, be devoted and set apart for the purposes of additional ferry slip accommodation, for the ferries operated and running between Whitehall street, New York, and Atlantic avenue, Brooklyn, known as the Union Ferry Company.

§ 2. Before using said Pier number two or the waters easterly thereof to Pier number three, the lessees of the aforesaid ferries are authorized and required to purchase or acquire the right to use said Pier number two and the land under water described in the first section of this act, provided they can agree with the owner or owners, and lessee or lessees on the price to be paid therefor. And should the lessees of said ferries be unable, within sixty days after the passage of this act, to agree with said owner or owners, and lessee or lessees, for the purchase of or the right to use the aforesaid pier and land under water, they shall acquire title to the same in the manner and by the proceedings provided by law for acquiring title to

lands for railroad use by railroad corporations, so far as the same are applicable thereto; except, that in any of the proceedings authorized by this section it shall not be necessary that the petition to the Supreme Court shall make any allegations of, or any reference to, any incorporation or capital stock, nor to any surveys or maps further than to describe the property proposed to be taken, nor of the filing of any certificate of location. Provided that nothing in this section shall authorize the Union Ferry Company to acquire the fee of any property now owned by the City of New York.

§ 3. The property herein authorized and directed to be acquired for the purposes of additional ferry slip accommodations shall, after the title thereto is acquired in accordance with the provisions of this act, be thereafter fitted for, devoted to, and used exclusively for said purposes, and shall be taken and paid for by any future lessees of said ferry in the same manner that other property owned by the previous lessees is or has to be paid for on a change of lessees of said ferry.

§ 4. Repeals all acts and parts of acts inconsistent with the provisions of this act, so far as they are in conflict therewith.

§ 5. Act takes immediate effect.

1882. Chap. 393, page 555.

Passed July 1.

AN ACT to amend Chapter six hundred and six of the Laws of eighteen hundred and seventy-five, entitled "An act further to provide for the construction and operation of a steam railway or railways in the counties of the State."

Amends sections 6, 7, and 42 of said Chapter 606 and adds sections 43 to 51 inclusive thereto; but by section 5, none of the provisions of this act shall apply to the County of New York.

See Chapters 417 of 1880, 485 of 1881, and 557 of 1886.

1883. Chap. 209, p. 217.

Passed April 10.

AN ACT to amend Chapter Five hundred and four of the Laws of Eighteen hundred and seventy, entitled "An Act to authorize the construction of a railroad in One hundred and twenty-fifth street and in certain streets and avenues in the City of New York."

§ 1. Section four of said Chapter Five hundred and four is amended so as to read as follows:

§ 4. In the construction, operation, or use of such railroad upon the route or routes above designated, should such person or corporation deem it necessary or proper to run upon, intersect or use any portion of other railroad tracks now laid upon any of the streets or avenues above named, they are hereby authorized so to do; and in case they cannot agree with the owner or owners thereof respecting the compensation or payment to be made therefor, the amount of such compensation or payment shall be ascertained and determined in the manner provided by Sub-division 6 of Section 28 of the general railroad act of 1850. And should any real estate or interest therein be required for the purpose of constructing said railroad on said route or routes, as above specified and authorized, for which said person or corporation shall be unable to agree with the owner or owners thereof for the use or purchase thereof, they may acquire the

right to use, or title to, the same, in the manner specified in sections fourteen to twenty-one, inclusive, of said general railroad act, except that in any of the proceedings for any of the purposes authorized by this section it shall not be necessary that the petition to the Supreme Court shall make any allegations of or reference to any incorporation, capital stock, surveys or maps, or of the filing of any certificate of location. But in all cases the use of said streets and avenues for the purposes of said railroad, as herein authorized, shall be considered a public use, consistent with the uses for which the corporation of said city holds said streets and avenues. Nothing in this act contained shall authorize or allow the existence of more than two tracks in any part of said streets or avenues, and the road herein authorized shall be used for the conveyance of passengers exclusively, and the cars shall be drawn or propelled by horses or mules or by cables moved by stationary engines. Such cables shall be laid under the direction of the Commissioners of Public Works of the City of New York.

1883. Chapter 518, p. 710.

Passed June 2.

AN ACT to improve and regulate the use of Fourth avenue at Ninety-eighth street in the City of New York.

§ 1. Upon the New York and Harlem Railroad Company filing with the Comptroller of the City of New York a bond to pay one half of the costs thereof when the same shall be completed, which said bond shall be filed by said railroad company within ninety days after the passage of this act, the Mayor, etc. of the City of New York are authorized to construct an iron bridge for foot passengers and carriages over Fourth avenue at

Ninety-eighth street in said city, at an elevation above the railroad at least equal to that of the bridge now spanning said avenues at Forty-fifth and Forty-eighth streets. Such bridge to be constructed upon plans and specifications to be approved by the Commissioner of Public Works; and it shall be the duty of said Commissioner to cause such bridge to be constructed as soon as practicable after the passage of this act and the filing of said bond. The grade of Ninety-eight street shall be conformed to the elevation required for said bridge.

§ 2. The Board of Apportionment shall include one half the cost of the work to be certified to them by the Comptroller in the next annual tax levy, and the same shall be raised by tax upon the real and personal property subject to taxation in the city and county of New York.

§ 3. Repeals all inconsistent acts and parts of acts.

§ 4. Act takes immediate effect.

Amended Chapter 371 of 1884.

1884. Chapter 193, p. 293.

Passed April 22.

AN ACT to enable steam railroad companies having a terminus at the harbor of New York incorporated under the laws of the State of New York to own boats and operate ferries.

§ 1. Any steam railroad company, incorporated under the laws of this state, with a terminus in the harbor of New York, is authorized and empowered to purchase or lease boats propelled by

steam or otherwise, and operate the same as a ferry or otherwise, over the waters of the Harbor of New York, to any point distant not more than ten miles from said terminus, but this act shall not be construed so as to affect the rights of the Mayor, Aldermen and Commonalty of the Cities of New York or Brooklyn.

§ 2. Act takes immediate effect.

1884. Chap. 261, p. 326.

Passed May 8th.

AN ACT to enable the New York and Harlem Railroad Company to enlarge the passenger depot at Forty-second street, in the City of New York.

§ 1. The New York and Harlem Railroad Company are authorized to enlarge their passenger depot in the City of New York, by extending the same easterly to a line parallel with the present easterly line of Fourth avenue and eighty feet easterly therefrom, extending from the northerly line of Forty-second street to the southerly line of Forty-fifth street, and to lay and use tracks and switches as may be required to bring trains into said depot, provided such company shall acquire and lay out as a public street a piece of land fifty feet in width immediately east of the easterly line of the depot hereby authorized, and power is given hereby to acquire all the lands necessary to carry out the provisions of this act upon making just compensation for lands taken, to be ascertained in the same manner as is provided for appraising real estate taken by railroad corporations under the provisions of the general railroad act of 1850, and the several acts supplementary thereto and amendatory thereof. All of which work shall be

subject to the inspection and approval of the Commissioner of Public Works.

§ 2. Whenever said depot shall be extended as provided in the first section of this act, and the piece of land fifty feet in width extending from Forty-second to Forty-fifth street immediately east of the easterly line of the depot building shall be acquired and laid out, paved, curbed and graded as a public street, said piece of land shall for all legal purposes become and be one of the streets of said city and the title thereto shall be vested in the Mayor, Aldermen and Commonalty of said city in like manner as if the same had been laid out by the commissioners appointed in and by the act, entitled "An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes," passed April 3d, 1807. They shall remove all tracks from the new streets on or before January first, 1886.

§ 3. Said company shall also raise and extend the bridge north of the depot now forming part of Forty-fifth street so as to permit trains to pass thereunder into said depot as enlarged, in like manner and form with the present bridge structure to a point distant not more than one hundred and thirty-five feet from the present easterly end thereof, the plans therefor to be approved by the Commissioner of Public Works in the City of New York, and the grade of Forty-fifth street shall be made by said company under the direction of said commissioner to conform to the necessary approaches to said bridge upon lines to be established by said commissioner and to be filed in the department of Public Works in said city.

§ 4. If a majority in interest of the owners of property abutting on Forty-fifth street, between Madison and Lexington avenues, shall so request

in writing, said Commissioner of Public Works shall make the approaches to said bridge of steps, adapting the same for foot passengers instead of for carriages.

§ 5. Nothing in this act shall be construed so as to allow said company to take any part or portion of any street now belonging to the City of New York without compensation to said city to be ascertained as provided in section one, and the commissioners of appraisal who may be appointed to value any lands to be acquired for the purposes of the depot as provided in this act shall also appraise the value of the strip of land described in the second section of this act to be laid out as a public street, and the award therefor shall be credited or applied to the payment of any award made for the lands to be acquired by the railroad company under this act.

§ 6. Repeals all acts and parts of acts so far as the same are inconsistent with this act.

§ 7. Act takes immediate effect.

1884. Chap. 371, p. 457.

Passed May 28th.

AN ACT to amend chapter five hundred and eighteen of the Laws of eighteen hundred and eighty-three, entitled "An act to improve and regulate the use of Fourth avenue at Ninety-eighth street in the city of New York."

§ 1. Section one of said chapter five hundred and eighteen is amended to read as follows:

§ 1. The New York and Harlem Railroad Company shall, within thirty days after the pas-

sage of this act, file with the Comptroller of the City of New York its bond to the Mayor, Aldermen and Commonalty of the city of New York, conditioned for the payment by it to them of one-half of the cost of the following improvement, when completed, and the Mayor, Aldermen and Commonalty of the city of New York are authorized, empowered and directed to construct and maintain an iron bridge for foot passengers over Fourth avenue at Ninety-eighth street, in said city, at an elevation above the railroad at least equal to that of the bridge now spanning said avenue at Forty-fifth street; such bridge to be constructed upon plans and specifications to be approved by the Commissioner of Public Works of said city, and it shall be the duty of said commissioner to cause such bridge to be constructed as soon as practicable after the passage of this act, and the filing of said bond, and the grade of said Fourth avenue from Ninety-seventh to Ninety-eighth street, also the grade of Ninety-eighth street, east side of said Fourth avenue, shall correspond with the elevation of bridge, and so reduce the grade from Ninety-eighth street in proportion to correspond with grade now established at One hundred and second street.

§ 2. Act takes immediate effect.

1885. Chapter 371, page 619.

Passed May 28.

AN ACT relating to Fifth avenue in the city of New York.

§§ 1, 2 and 3 provide that the corporation may repave Fifth avenue from Ninth street to the northerly line of Ninetieth street, with certain exceptions,—prescribe the kind of pavement to be laid,—provide for the submission of plans and specifications and proposals for the work,—how the contract shall be awarded and executed,—for

the making of an appropriation to pay for the work,—how payment shall be made to the contractor,—and that when the pavement or any portion thereof is completed, interference therewith shall be only by special permit, etc., etc.

§ 4. Except for the necessary crossing of railroads laid or to be laid upon Fifth avenue at the intersection of other streets, no railroad shall be laid upon, above or along any part of Fifth avenue in said city.

§ 5. Act takes immediate effect.

1885. Chapter 528, page 896.

Passed June 13.

AN ACT to improve and regulate the use of Fourth avenue at Ninety-eighth street in the city of New York.

§ 1. It shall be the duty of the Commissioner of Public Works in said city, immediately upon the passage of this act, to prepare or cause to be prepared and to approve of plans and specifications for the construction of an iron bridge for foot passengers in Fourth avenue over the cut through which the railroad passes in 98th street in said city, at an elevation above the railroad at least equal to the elevation of the bridge at 45th street over said railroad, and to change the grade lines of the avenue on the east side thereof from 97th to 98th streets as may be made necessary to meet the requirements of said bridge, and the grade lines of 98th street east of said avenue shall be conformed to the elevation required for said bridge.

§ 2. One-half of the expense of the construction of said bridge shall be borne and paid by the New York and Harlem Railroad Company, and one-half by the Corporation of the City, and it shall be the duty of said company, within thirty days after the

passage of this act, to give a bond to the said City Corporation, to be filed with the Comptroller of the city, to pay on demand one-half of the cost of constructing said bridge, and said Comptroller is authorized and directed to pay one-half of the cost thereof as well as the entire cost of changing the grade as herein provided, and of building the retaining walls, which amounts shall be certified to him by the Commissioner of Public Works of said city out of the money heretofore set apart for that purpose by the Board of Estimate and Apportionment of said city on December 31st, 1883, under and pursuant to Chapter Five hundred and Eighteen of the laws of Eighteen hundred and eighty-three. No portion of the money shall be expended for said bridge until such bond to pay one-half the cost of the bridge shall be filed by the Railroad Company with the Comptroller.

§ 3. Repeals all inconsistent acts and parts of acts.

§ 4. Act takes immediate effect.

See Chapter 518 of 1883.

1885. Chapter 554, page 930.

Passed June 18.

AN ACT to amend Chapter Eight hundred and fifty-five of the laws Eighteen hundred and sixty-eight, entitled "An Act supplementary to Chapter four hundred and eighty-nine of the laws of eighteen hundred and sixty-seven, and to provide for the collection and application of revenue in the county of New York, in certain cases."

§ 1. Section two of said Chapter eight hundred and fifty-five is amended so as to read as follows:

§ 2. In pursuance of Section nine of the act aforesaid, it is directed that the said constructing company or its successor shall, in the month of January in each year, and quarter annually thereafter, pay to the Comptroller of the City of New York five per cent. of its net income, for the purpose of being expended in the improvement of the condition or appearance of the streets, or parts of streets or avenues, or places through which elevated railroads may hereafter be located, or constructed, by demonstrating the practicability of making said structures more ornamental in appearance, and by introducing such new or improved methods of operating the same, as may tend to obviate such objectional features thereof, as injuriously affect the condition of such streets or avenues. To this end a new illustrative section of said form of railway shall be erected on some duly authorized street in said city, to replace the experimental section referred to in the first section of this act and subsequently removed, and to enable the resumption and completion of the experiments required in said section, to ascertain the best form of motor as therein contemplated, and the expenses incident thereto shall be paid from said fund as hereinafter provided. Said new illustrative section shall not be less than one-fourth of a mile in length and shall be provided with serial traction cables, and testing cars of full working size, and shall conform to the regulations as to structure and motive power as provided in the act to which this act is supplementary. Said section shall be constructed and the said experiments conducted upon the plans and under the direction of Charles T. Harvey, the engineer in charge of constructing the first experimental section hereinbefore mentioned. The Comptroller of the City of New York is authorized and directed to pay a sum equal to one-third of the amount of said fund now on deposit with him, or in his custody, forthwith to the order of said engineer for the purpose of defraying the expenses of

experiments as to said motive power now in progress, and for making surveys and other preparations for building said section. Also a like amount from said fund, payable to the same order, as the work upon said section progresses, and to insure its completion, equipment and inspection, as hereinafter specified. There shall be filed with said Comptroller prior to the payments hereinbefore authorized a bond in the sum of one hundred thousand dollars with good and sufficient sureties to be approved by the Chief Justice of the Court of Common Pleas in said city, conditioned upon the faithful performance of the construction work herein provided for. Upon the completion of said section, the said constructing engineer shall notify the governor, the state engineer and the mayor of said city, who shall severally designate one engineer, to compose a board of three inspecting engineers, who shall under their direction proceed to inspect, test and report upon the features of said illustrative section and the operating merits of its motive power. A copy of said report shall be filed with said Comptroller with the endorsement thereon of the several opinions of the governor, state engineer and mayor aforesaid, as to the comparative merits of the illustration so made, and in case they, or a majority of them, shall therein certify that in their judgment the said new illustrative section has demonstrated or developed material improvements in the methods of constructing or operating elevated railroads in said city, as compared with the forms or motive power of those then in use therein, and as tending to improve the appearance or condition of the streets or avenues herein specified, said Comptroller shall pay to the order of said constructing engineer the amounts remaining in or accruing to said fund, until the legislature shall otherwise direct, as compensation to him for services rendered, and to enable him to continue said experiments toward attaining the highest possible

perfection for the designs of such railways, and of benefiting the appearance and condition of the streets and avenues of said city in connection therewith. Said Comptroller is also authorized and directed to audit and pay for the services of said board of inspecting engineers, not exceeding one thousand dollars, out of said fund, upon vouchers approved by the mayor of said city.

§ 2. Repeals all inconsistent acts or parts of acts.

§ 3. Act takes immediate effect.

Amends Chapter 489 of 1867 and Chapter 855 of 1868.

1886. Chapter 4, page 12.

Passed February 2.

AN ACT relating to the New York and Brooklyn Bridge.

§ 1. The trustees of said bridge are authorized and empowered to erect an elevated platform across Chatham street to the westerly line or side thereof, and to support the platform on two columns at the easterly curb line of the street, and on two at the prolongation of its westerly building line. Such platform shall be used for the depot and terminal purposes of the railroad over the bridge, and shall be constructed so as not unnecessarily to impede travel on Chatham street. And no cover over such platform shall be constructed extending beyond the easterly curbstone line of Chatham street.

§ 2. The trustees may erect an elevated open, uncovered ornamental foot-path, not more than sixteen feet wide, from the platform across Chatham street to the westerly side of Centre

street, and support it on columns at the westerly side of Centre street, and connect it therewith by stairways, and may occupy so much of the sidewalk on the westerly side of Centre street not exceeding a width of eight feet from the outside of the east line as is necessary for the foot-path and its columns and stairways. The foot-path shall be for the use of pedestrians only, and the tracks of the bridge railroad shall not be laid on it. The trustees shall erect the foot-path according to the plans filed by them in the register's office of New York County.

§ 3. The trustees may purchase or acquire any property or rights therein taken for or affected by such erections. If the trustees are unable for any reason to agree with the owners of such property, or with any person interested in it, they may institute the special proceedings by which in and by the statutes relating to the bridge they were and are authorized to acquire lands for the purposes of the bridge, and any compensation awarded for such property or rights therein shall be paid out of any moneys in the hands of the trustees.

§ 4. Act takes immediate effect.

1886. Chapter 248, page 419.

Passed April 29.

AN ACT to facilitate the supply of illuminating gas in the City of New York at a reasonable price.

§ 1. The Standard Gas-Light Company of the City of New York is authorized and empowered to lay conductors and mains for conducting gas through and under all the streets, avenues and squares and public places of said city. And as a consideration therefor, said company shall file in

the office of the Comptroller of said city a stipulation or agreement that all the gas supplied through such conductors and mains shall have illuminating power of twenty-five candles, and that no greater price or charge for supplying the same shall be asked, charged or received by said company or its successors, lessees, agents or assigns than at the rate of one dollar and fifty cents for each thousand feet of gas, provided, however, that said Standard Gas-Light Company shall be subject to the provisions of any general law that may be passed regulating the price of gas in said city. And that said company shall not consolidate, or in any way unite with any other gas company in said city, or in any way pool its earnings or receipts with any other company or organization organized for the distribution and sale of illuminating gas. All gas supplied by said company for any of the public buildings or offices of the Corporation of said City situated on the line or lines of the conductors and mains of said company shall be furnished at a rate not to exceed one dollar and twenty-five cents per thousand cubic feet. Whenever any trenches or excavations shall be made for the laying of any such conductors or mains the same shall be filled in immediately after said conductors and mains shall be laid, the earth to be thoroughly rammed as the same is thrown into the trench or excavation, and the pavement to be replaced in a good and workmanlike manner to the entire satisfaction of the Commissioner of Public Works: and in case said Standard Gas-Light Company or their successors shall fail or neglect to replace the pavement or pavements to the satisfaction of the Commissioner of Public Works, then said Commissioner shall have the right to cause such pavement to be taken up and replaced in a good and workmanlike manner by a person or persons to be appointed by said Commissioner for that purpose, and the expense of such repaving shall be paid by said company to said Commissioner. Also that

said company shall be governed by such rules and regulations as the Commissioner of Public Works, his successor or successors in office, may prescribe for the laying of such conductors and mains and the proper protection and filling of the trenches and excavations, for the taking up, repairing and repaving pavements. And that said company shall supply gas to the public lamps, situated on the line or lines of the mains of said company when required by said city at a maximum rate not to exceed twelve dollars and fifty cents per annum for each lamp burning three thousand eight hundred and thirty-three and one-third hours, and consuming gas through a burner consuming three feet of gas per hour under a pressure of one inch, said maximum rate to include the gas, lighting, extinguishing, cleaning, repairing, reglazing, painting lamp posts and lanterns, replacing the cocks, tubes, burners, crossheads, lamp-irons and lanterns.

§ 2. If said company after having filed said stipulation or agreement, provided for in the above first section, and having laid conductors and mains, as therein provided, shall thereafter violate the terms of such stipulation or agreement, it shall be the duty of the Attorney-General to institute proceedings to forfeit and annul the charter and corporate rights of said company, and if it shall be established in such proceedings that the terms of said stipulation or agreement have been violated by said company the charter and corporate rights of said company shall thereupon be forfeited and annulled.

§ 3. Act takes immediate effect.

1886. Chapter 268, page 443.

Passed May 4.

AN ACT to annul and dissolve the Broadway Surface Railroad Company.

§ 1. That the corporation called "The Broadway Surface Railroad Company," and purporting to have been organized as a corporation, by virtue of articles of association filed and recorded in the office of the Secretary of State on the thirteenth day of May, eighteen hundred and eighty-four, for the purpose of constructing, maintaining and operating a surface railroad on Broadway in the city of New York, between the Battery and Fifteenth street, be and the same is hereby annulled and dissolved, and its charter is hereby repealed.

§ 2. Act takes immediate effect.

1886. Chapter 312, page 498.

Passed May 11th.

AN ACT to extend and supplement the rights, powers and duties of the New York Arcade Railway Company, and to regulate the construction of its railway.

§ 1. The corporation created and existing under the laws of this State under the several names of the "Beach Pneumatic Transit Company," "The Broadway Underground Railway Company," and the "New York Arcade Railway Company," shall, under the last name and for the purposes of its authorized railways, possess the power heretofore granted to it under any of such names, and shall in addition possess the rights and privileges and be subject to the liabilities herein conferred and imposed.

§ 2. Such company shall, after the election thereof, as herein provided, be managed by thirteen directors. Such directors shall be first elected at the next annual meeting of the stockholders, or at a Special Meeting of the same to be called by order of the present Trustees, and such election shall take place within six months after the passage of this act. Notice in writing of the time and place of such special meeting shall, at least ten days before the holding of the same, be served personally on each stockholder or his authorized agent. The stockholders of such company shall have the same and no other liability than that imposed upon the stockholders of railway companies organized under general railroad act of Eighteen hundred and fifty, and the acts amendatory thereof; and such company shall not be compelled to make any other or further report than is required of railroad corporations. If by reason of injunctions or other legal proceedings had against the company without collusion on its part, the construction of the railway of such company shall be prevented or delayed, the Board of Railway Commissioners may, if they deem the same just, extend the time herein allowed for such construction, not however to exceed double the time lost by reason of such injunctions or proceedings; and any bond which has been heretofore executed and delivered by such company or in its behalf to the Mayor, Aldermen and Commonalty of the City of New York shall be satisfied, cancelled and surrendered to such company upon the execution and delivery of a new bond for a like amount with sureties to be approved by the Mayor of the City of New York, conditioned for the completion of the first section of the railways as herein required, which new bond shall be delivered before the work of construction shall be begun.

§ 3. The first section of such company's railway shall begin at the Battery, extend thence to the street Broadway, thence under Broadway and Union place or Union square, on the route heretofore authorized, to or near the junction of Broadway with Eighth avenue and Fifty-ninth street, or from the Battery to the street Broadway, thence under Broadway and Union place or Union square, as aforesaid, and Madison square and Madison avenue to or above Forty-second street; or, at the option of the company, both of such lines may compose the first section. The construction of such first section shall be begun and finished within five years from the passage of this act, and the time heretofore limited by law for the construction of any first section of such company's road is extended as herein provided. Such company may construct the remainder of its line of railways not adopted as a part of its first section, and exercise the rights heretofore authorized by law, at any time before the expiration of three years after the completion of its first section, as in this section provided. The work of construction of the railways of such company may be begun and continued when the Board of Engineer Commissioners shall have made a certificate in duplicate that such company have made suitable and reliable financial arrangements to insure the completion of such first section, and shall have delivered one of such certificates to such company and filed the other with the Mayor of the City of New York. Before beginning such work such company shall also execute a bond with sureties as required by section six of chapter one hundred and eighty-five of the laws of eighteen hundred and seventy-three, but such bond shall not be less than two million dollars nor more than three million dollars, or such company may deposit such securities or money as the Mayor of the City of New York may approve for the purposes of such bond and in lieu thereof: Nothing in this section or act shall be construed to extend

or change the location of such company's line as heretofore authorized, nor to permit the construction of any portion of its railway on the surface or in an open cut before it reaches the street Broadway. The Board of Engineer Commissioners shall not make the certificate that such company have made suitable and reliable financial arrangements until such company shall have at least three million dollars in its treasury applicable to the work of construction of its railways.

§ 4. Such company may excavate for and construct a space for its authorized railways of the width of forty-four feet, inside measurement, of the necessary depth, and upon the requisite grade, and shall, beyond and adjacent to such space provided for such railway, build durable walls or other durable supports that shall sustain the surface of the street and places disturbed, which walls shall, when necessary, compose the outer walls of the adjoining house walls. Such railways shall be underground, but the same or any part thereof may be constructed with or without the use of tubes and tunnels, and the construction may be of such form as the Board of Engineer Commissioners may approve. Whenever the surface of any avenue, street, park or place shall be broken, or in any way disturbed, a temporary bridge, to be constructed in a manner approved by the Board of Engineer Commissioners, shall cover the opening or parts worked, save where the foundations for the railway cannot be laid with the use of such bridge; but travel shall not be prevented and there shall be allowed sufficient room for the passage of vehicles and cars upon double tracks.

§ 5. While the railways of such company are in process of construction, the said company shall sustain and protect the existing tracks of any street surface railroad located upon any disturbed portion of the route of said underground railways,

in such good and substantial manner as will at all times permit the operation, without unnecessary obstruction, interruption, or delay, of such surface railroad, and the free ingress and egress of passengers to and from the cars thereof; and the construction of the said underground railways shall be such that, when completed, the ordinary street surfaces and pavements shall be fully restored and made convenient for the use of street cars and vehicles traveling on the surface, and there shall be at least a space of one foot between the upper surface of the street and the roof of the structure to be built by said company, for the purposes of its underground railways, and the roof of said structure or railways shall, in the main be constructed within six feet of the surface of the street. The trains upon such railways may be propelled by electricity, or any motive power, but no power shall be used emitting smoke, gas or cinders.

§ 6. Such company shall, within the width herein authorized for the excavation of its railways, or between the curb lines, when necessary, construct beneath the surface of the streets or avenues along side of, over or underneath its road bed, one or more vaults or subways in which may be placed the sewers, the water, gas, steam or other pipes, and tubes containing wires of communication. Each vault or subway shall be constructed of brick, stone, iron or other suitable materials, and shall be provided at distances not exceeding a quarter of a mile apart, with proper means of entering the same. Such company shall have full power and authority to remove all sewers, water, gas, steam and other pipes, as well as all wires, tubes and other obstructions to the necessary work of the construction of its railways, and shall, in a manner approved by the Commissioner of Public Works, at its own expense, restore and place within some one or more of the said vaults or subways all such sewers, water pipes, and other property

belonging to the Mayor, Aldermen and Commonalty of the City of New York, and such other pipes, tubes and wires as it may be necessary to remove, restore and replace in as good and workmanlike condition as the same are now built, laid or constructed. Where the sewerage can be carried through lateral sewers in adjacent streets the same may be done and the necessary and proper connections made with the approval and under the direction of the Commissioner of Public Works; and pipes may be sustained on, or built in the outer sides of the walls of the railway to the point of intersection with the side streets through which the connection is made. Such work shall always be subject to the approval of the Board of Engineer Commissioners. After such removal said vaults or subways, sewers, water pipes, and other property, shall be held by the Mayor, Aldermen and Commonalty of the City of New York, to the same extent as they are now held and controlled by the Mayor, Aldermen and Commonalty of said city.

§ 7. It is hereby declared that the right herein conferred to occupy forty-four feet instead of thirty-five feet for its already authorized railways shall impose upon such company, by way of compensation, the obligation to pay three per centum of its gross earnings to the Comptroller of the City of New York for the use and benefit of such city, and also the obligation to construct, as in the last section provided, such roomy and commodious vaults or subways for holding the tubes, pipes and wires displaced by the construction of such railways as the necessities of the street, place or avenue occupied by its railways may now or hereafter require. Such company shall construct such vaults or subways for sewerage, water, gas, steam and other pipes, wires and tubes at an expense, including the removal of tubes, pipes and wires thereto, of not less than four hundred thousand

dollars per mile, and shall forever keep such vaults or subways in good and proper repair, and the same when completed shall be held and controlled by and the title thereof shall vest in the Mayor, etc., of the City of New York for the convenience and benefit of such city.

§ 8. No private property, property rights and interests, corporeal or incorporeal, including property, property rights and interests of owners of lands abutting on streets, avenues or places occupied by such railway, shall be taken or invaded by such company without due compensation; but such company may acquire the same by agreement. In case such company cannot for any reason make an agreement with the owner or any person interested in such real estate, easements, property rights or interests as may be needed for the purposes of the corporation, for the purchase thereof, it may acquire title to the same in the manner provided by the act or acts to which this act is supplemental. Such company shall be liable to the owner or owners of any wall, building, structure or lands, or other property along the route of said railways for any damage direct and indirect which they or either of them shall sustain by reason of any injury direct and indirect caused thereto by the construction of said railway; and the bond required to be given by section six of chapter one hundred and eighty-five of the laws of eighteen hundred and seventy-three shall be conditioned for the payment to the city of New York or to any or all persons or corporations owning lands along the line of said road, for all damages or injury direct and indirect that the property of said city or persons or corporations shall sustain by reason of the construction of said road; and that said company shall restore said streets and avenues to as safe and as good a condition as the same were before the commencement of work thereon. Such company may, at such points as it shall deem suitable

and necessary, open or excavate and use below the existing surface of any street, avenue, square or public place or any side or crosswalk, adjacent to any street, avenue, park, square or public place under or along which its roadbed shall run, a space of such width and length as it shall require for the location and construction of depots or stations and the necessary platforms and approaches. In the spaces so opened and excavated such company shall lay substantial footways and connect the same by stairways or other suitable ways or means of communication with the street surface of any such walk, street, avenue, park or public place, but no depot or station structure or platform shall approach nearer the face of any building than six feet without the consent of the owner thereof. Whenever any excavation or opening contemplated in this section is made; or whenever any opening or excavation is made by such company with the consent of any abutting owner, or by any abutting owner himself, for the purpose of affording the property of any such owner frontage upon the line of the Company's railway, the said company may, for the purpose affording light and air to its railways or stations, platforms and approaches and the sub-surface walks, keep and maintain open grated spaces not exceeding six feet in width, from and along the house line on each side of any street, avenue or public place under which its main or branch line shall be constructed, provided it leave or supply necessary and reasonable means of entrance and exit to and from the surface sidewalks into and out of all buildings in front of which said open spaces are made, kept and maintained. All such walks, when laid out and completed, shall be held by the Mayor, Aldermen and Commonalty of the City of New York for the public use, to the same extent as the surface sidewalks are now held, save that the said depots or stations and platforms, and so much of the sub-surface sidewalks as are occu-

pied by such structure, shall be under the control and management of the said company, so long as such places shall be occupied or used for depot or station purposes, or either of them. The Board of Engineer Commissioners shall have power to limit the extent of space which said company shall occupy under the parks and squares aforesaid, and to direct what shall be the distance between the upper arch of such railway and the surface of such parks and squares: and except for necessary entrance for stations, such use shall in no manner be permitted as will in the judgment of such commissioners tend to destroy or injure the trees or shrubs or verdure of such parks or squares.

§ 9. Whenever the width of any street, avenue, square or public place, under which such company is authorized to construct its railways, shall exceed forty-four feet between curb lines, such company may excavate to such width exceeding forty-four feet between the curb lines, as shall be required for the laying of the necessary turnouts, switches and sidings.

§ 10. Where, during the progress of the work of construction of its railways, it shall be requisite to the more expeditious removal and reception of materials necessary to be removed and received, and to preserve a more cleanly condition of the streets, such company shall have the right to lay and use tramways upon any intersecting street, but such tramways shall be only temporary and used solely for the purpose in this section provided; and when the necessity for such use shall have ceased, shall be at once removed and the surface of the street shall be restored to its former state at the expense of such company.

§ 11. The capital stock of such company shall be increased to twenty-five million dollars, and shall be divided into two hundred and fifty thousand

shares. The Board of Directors of said company shall have power, by a two-thirds vote of such directors, from time to time, to borrow such sum of money as may be necessary for constructing, completing, finishing or operating its railways, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate property, rights and franchises to secure the payment of any debt made or contracted by the company for the purpose aforesaid; and it shall not be necessary to procure or file the consent of the stockholders to the execution of any mortgage, or to file as a chattel mortgage any mortgage executed by the company upon both real and personal property, but said mortgage shall be recorded as a mortgage of real estate.

§ 12. After the passage of this act the Governor shall have power to appoint a new Board of Engineer Commissioners, or any member thereof in the place of the present Board, for the purpose of this act and the acts to which it is supplementary, and may fill all vacancies in such Board, and remove any commissioner for cause, but not until such commissioner shall have been heard.

§ 13. The Legislature may, on the completion of such first section fix and regulate the passenger fares that may be charged by such company, and hereby reserve the right so to do.

§ 14. All acts or parts of acts, general or special, inconsistent with, impairing or limiting the rights conferred by this act, or the acts to which it is supplementary as far as they are inconsistent with, impair, limit or impose other or additional conditions upon the exercise of such rights are, as to such company, hereby repealed.

§ 15. The Legislature expressly reserves the right to repeal or amend this act, and the act under which such company was organized, as well as acts

amendatory thereof and supplementary thereto; and none of the provisions of this act or of the acts of which it is amendatory, shall be regarded as a contract between the State of New York or the city of New York, with said company.

§ 16. Neither this act nor the acts to which it is supplementary, shall be construed to subject such company to the operation of section forty-seven of chapter one hundred forty of the laws of eighteen hundred fifty, nor to chapter seven hundred seventy-five of the laws of eighteen hundred sixty-seven. In case of the failure of such company to complete its railway as required by the second and third sections of this act, it shall be the duty of the Attorney-General to bring an action in the Supreme Court to have the charter of the company declared forfeited, and such court shall have power so to do.

§ 17. Act takes immediate effect.

See chap. 842 of 1868, ch. 512 of 1869, ch. 185 of 1873, ch. 503 of 1874, and ch. 454 of 1881.

1886. Chap. 391, p. 512.

Passed May 12.

AN ACT to authorize the formation of gas companies in the City of New York, and to regulate the powers and duties of the same.

§ 1. Any corporation formed after April first eighteen hundred and eighty-six according to law for the purpose of manufacturing and supplying gas in the City of New York shall be governed by the provisions of this act, and this act shall modify and control any terms of its charter, or existing law inconsistent herewith.

§ 2. No share of stock or interest in such corporation shall be sold, assigned, transferred, issued

or vested in any person whomsoever until such corporation shall have received the par value of the same in money, and no certificate shall be issued that shall, or shall purport to represent any further or greater sum than that actually paid in money into the treasury of such company by or on account of the person to whom the same shall be delivered.

§ 3. Such corporation shall keep a book properly indexed, showing the name and residence of shareholders and number of shares held by each shareholder, the number and date of the certificate under which held, and whether the shares are original shares issued to first purchasers or shares reissued to subsequent purchasers. The book so kept shall, during business hours, be subject to the inspection of any shareholder of the corporation, of the Attorney-General of the State, or of any person designated by him to inspect said book or of any person now or hereafter authorized by law to inspect the same or supervise the action of such company.

§ 4. The illuminating gas furnished shall have an illuminating power, if water gas, of not less than twenty-five and, if coal gas of not less than twenty, sperm candles of six to the pound, and burning at the rate of one hundred and twenty grains of spermaceti per hour, tested at a distance of not less than one mile from the place of manufacture, by a burner consuming five cubic feet of gas per hour, and shall as regards purity, comply with the standard now or hereafter established by law.

§ 5. The authorized capital stock of such company shall be stated in the articles of association and shall not be less than two and one-half million dollars, and whenever ten per centum of such sum of two and one-half million dollars shall have been

paid in money, the company may commence business; and such capital stock may only be increased in the manner provided by an act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, and the acts amendatory thereof.

§ 6. Unless such company shall expend in purchasing its real estate or upon its work and plant, such sum of ten per centum of two and one-half million dollars to be paid in upon its stock, within two years from the date of the filing of the articles of association, its charter shall cease. Any company subject to this act shall upon obtaining the consent provided for by section fifteen of this act, execute a bond to the mayor, aldermen and commonalty of the city of New York, with sureties to be approved by the comptroller of such city, conditioned for the payment of fifty thousand dollars in case such company shall not make the expenditure provided in this section, or such company may deposit the sum of fifty thousand dollars to be held for the purposes and in lieu of such bond. Upon compliance with this section, such bond shall be canceled or such money returned to such company.

§ 7. The stockholders shall be entitled to dividends not exceeding ten per centum of the cash capital actually paid in, and the same shall be paid as the company may direct, and for every reduction of five cents on the price of one thousand cubic feet of illuminating gas below the sum of one dollar and twenty-five cents, an additional dividend of one per centum per annum may be so paid.

§ 8. A sum not exceeding twelve and one-half per centum on the money actually paid for its work and plant, exclusive of any sum paid for

land less the amount during the previous year actually paid for repairs and improvements, may each year be taken from its earnings and put into a reserve fund to meet depreciations of the property of such company and out of which the expense of permanent repairs may be paid, but such fund shall at no one time exceed the sum of two hundred and fifty thousand dollars, and no other part of the earnings of such company shall be used for the purpose of acquiring or creating any of its property or plant, and no bonds given for acquiring the permanent property or plant, or any part of the same, except the interest thereon, shall be paid from the earnings.

§ 9. Such company may issue bonds to an amount not exceeding the amount of money actually paid into the treasury. Such bonds shall be issued only for the authorized purposes of such corporation, and at par in money, and shall bear no greater interest than one and one-half per cent quarterly. Such bonds, if issued for its permanent works or plant, shall so state and may at any time at the option of the holders be converted into the stock of such company, and the stock shall thereby be increased accordingly without further proceedings on the part of such company.

§ 10. The standard maximum price to be charged by such company for illuminating gas shall be one dollar and twenty-five cents per thousand cubic feet, and for gas manufactured exclusively for heating and cooking purposes, one dollar per thousand cubic feet. No consumer shall be deprived of gas within five days after the rendering of a bill, and if within such time such consumer shall demand the same, until such company shall have furnished him an affidavit that the register of the meter through which such gas has passed has been properly transcribed. Such

affidavit may be left upon the premises where such gas has been furnished with a person of suitable age and discretion, or if such service cannot be made, it may be sent by mail, addressed to such consumer at such place of consumption. If the affidavit shall show an error in the bill it shall be corrected accordingly. Within five days after the rendering of any bill any consumer may have the meter through which such gas has passed, tested by the gas meter inspector of the State, and if the meter be incorrect, the expense of such inspection shall be paid by such company, otherwise by the consumer. If the meter be found incorrect the bill shall only be enforceable for the amount of gas that would be measured by a correct meter. Nothing in this section shall impair any existing law for the protection of gas consumers.

§ 11. The gas mains or pipes shall be laid so as not to interfere with the public sewers or sewer connections or with the croton water mains or water connections in any of the avenues, streets or public places of such city.

§ 12. All trenches or excavations shall be filled immediately after the mains or pipes shall be laid, and the earth shall be thoroughly rammed, as the same is thrown into the trench or excavation, and the pavement shall be replaced in good and workmanlike manner, and to the entire satisfaction of the commissioner of public works, and shall be so maintained by such company for one year after such pavement shall have been relaid. In case such company shall fail or neglect to so replace the pavement, or to so maintain the same for one year, then the commissioner of public works shall have the right to cause such pavement to be properly replaced, and the expense of replacing the same shall be paid by such company to the comptroller as a special deposit for repairs, subject to the order of the commissioner of public works. No pave-

ments shall be removed or opening made in any of the public streets or places, for the purpose of laying mains or pipes, until such company shall have made application to the commissioner of public works, for a permit for laying such mains or pipes, nor until the permit fixing the manner of doing such work shall have been obtained from said commissioner authorizing the same. It shall, however, be the duty of the commissioner of public works to grant such permit under reasonable regulations as to the manner of laying the same, not inconsistent with the powers herein granted and within ten days after application therefor shall have been made.

§ 13. Such company shall be governed by the ordinances of the common council of the city of New York, and by such rules and regulations as the commissioner of public works may prescribe as to the manner of laying the mains or pipes; of protecting and filling trenches and excavations; of the taking up, replacing and repaving of the street disturbed, and of the laying caring for and maintaining the public lamps; but such ordinances, rules or regulations shall not limit or be inconsistent with the substantial powers herein granted, nor prevent the construction of the works and mains of such company, and the operation of its business.

§ 14. Such company shall render a report weekly to the commissioner of public works, of all openings made in the pavements during the preceding week, for the laying, or repairing of service pipes, and repairing of gas mains, or for the discovery or stoppage of leaks. It shall also render a report monthly of all gas mains laid during the preceding month, stating on which side of the street the mains were laid and from and to what street, the distance from the curb, the depth of the trench and the diameter of the mains laid.

§ 15. Any company subject to this act may lay its mains or pipes, and supply its gas through the same, without any further proceedings, conditions, or authority, than those herein contained, save the consent thereto of the mayor, comptroller and president of the department of taxes and assessments of the city of New York.

§ 16. Such company shall not make or enter into any combination, arrangement or agreement with any other company or companies, person or persons, in regard to the amount of gas mains to be laid, or the streets in which the same shall be laid, nor in regard to the quantity of gas to be manufactured or the price for which it is to be sold.

§ 17. Such company shall not consolidate with nor transfer its franchises to any other company, person or persons, or associations either in whole or part, by lease or otherwise.

§ 18. Such company shall be subject to the authority herinafter granted to any officer or board to supervise or regulate the conduct of the gas-lighting companies within the territory of its operations; but no grants herein conferred shall be thereby abridged.

§ 19. Every corporation affected by this act shall on each first day of January and July, make a report to any authority now or hereafter authorized to receive the same, or if there be none such, then to the mayor of the corporation of the city of New York, of the quantity of gas manufactured, the quantity of gas consumed by private consumers, by the corporation of the city of New York, or by any other company, the quantity of gas wasted or lost by leakage or otherwise, as nearly as practicable; the total amount of money received for sales of gas; the amounts of money received from any other source; the amounts of money expended

for labor, materials, ordinary or extraordinary repairs, for mains or services laid and the quantity of the same, for improvements, for purchases of property, specifying whether of a permanent nature or not, for rights, patents, tools, machinery or other plant, for salaries, for management and general incidental and other expenses, for dividends, and for interest; and shall on each first day of January report the amount of cash actually received for its capital stock, and what amount of stock has been issued for the same, the amount of money received from the sales of its bonds and the amount of bonds issued therefor. Such report shall be verified by an officer of the company, and any person who shall willfully make a false report shall be guilty of perjury, and, upon conviction punished accordingly. Every corporation neglecting to file such report shall be liable to a penalty of one hundred dollars for each day that such report shall be delayed after the first day of January and July, or ten days thereafter to be recovered by and in the name of the corporation of the city of New York.

§ 20. The stockholders of said company shall at such annual meeting appoint one or more qualified accountants, or other equally competent persons to examine and be advised of the accounts of such company, who shall certify as to the correctness of the balance sheet and accounts as made up in the report provided in section twenty herein, and that all accounts have been made in conformity to the regulations herein directed, and that the moneys have been charged to the proper accounts. Such certificate shall also contain a brief showing of the financial condition of such company, and shall, prior to the next succeeding annual meeting, be printed and sent by mail to each stockholder of such company appearing of record. The person so appointed shall not be in any way connected with such company other than as herein directed, and

for any willful misstatement, or misconduct, shall be guilty of a misdemeanor, and, upon conviction thereof punished accordingly.

§ 21. If any officer, director, trustee, employee or agent of any company subject to this act shall willfully violate the provision of sections two or nine of this act, such person shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than three years.

§ 22. Any corporation subject to this act failing to comply with section three thereof, shall be liable to a penalty of five thousand dollars, to be recovered in an action in the supreme court for the use of this State upon the relation of the Attorney-General.

§ 23. Any corporation subject to this act violating the provisions of section four thereof shall be liable to a penalty of one hundred dollars for each day that it shall allow such violation to continue, or shall repeat the same to be recovered in the name and for the use of the mayor, aldermen and commonalty of the city of New York.

§ 24. The willful rendering of a bill in any part, written or printed, for gas in excess of the prices herein named shall, upon the production of such bill, render the entire demands for the same uncollectible.

§ 25. Any company affected by this act, willfully violating the provisions of sections sixteen and seventeen thereof, shall thereby forfeit all the corporate rights herein granted and shall cease to be a corporation, and if any officer, director or stockholder shall violate or participate in the violation of the provisions of either of such sections sixteen and seventeen, he shall be guilty of a mis-

demeanor, and shall, upon conviction therefor be punished by imprisonment for not less than one nor more than three years.

§ 26. No person who is an officer, director employee or stockholder in such company shall sell to such company, or any agent thereof, any land, materials, mains, patents, supplies, or receive any reward, compensation or commission for any sale to such company or agent thereof. If any person shall violate the provisions of this section he shall be guilty of a misdemeanor, and, upon conviction thereof shall be punished accordingly.

§ 27. All acts or parts of acts inconsistent with, impairing or limiting the rights conferred by this act, so far as they are inconsistent with, impair, limit or impose other or additional conditions upon the exercise of the rights herein conferred, are, as to any company subject to this act, hereby repealed.

§ 28. This act shall take effect immediately.

1886. Chap. 536, p. 765.

Passed June 2.

AN ACT to authorize the Fifth Avenue Transportation Company (Limited) or its assigns, to run stages on Fifth avenue through Washington park, and through South Fifth avenue to the Bleecker Street Elevated railway station, in the City of New York, and return.

§ 1. Authorizes the Fifth Avenue Transportation Company (Limited), a company organized under the Laws of the State, and its assigns, on payment of the license fees as hereinafter provided, to run and drive, or cause to be run and driven, and without further authority from said city, a line of

stages, or carriages, for the transportation of passengers for hire, from Eighty-ninth street in said city down Fifth avenue, across Washington park, and along South Fifth avenue to the Bleecker Street Elevated station and return, provided that the consent thereto in writing of a majority of the owners of the property on the avenue and streets wherein such stages or carriages are hereby authorized shall have been obtained and filed with the mayor of said city.

§ 2. The aforesaid company, or its assigns, shall pay to said city an annual license fee equal in amount to the sum heretofore paid as such license fee, to said city, by the proprietors of a line of stages heretofore running on said Fifth avenue, from or about the year 1850 up to and in the year 1885; and neither said company, nor its assigns, shall be authorized or permitted to demand or receive, for the transportation of any passengers over the aforesaid route, or its return, or any portion of either, a sum greater than five cents.

§ 3. Act takes immediate effect.

1886. Chapter 551, p. 777.

Passed June 3rd.

AN ACT to amend Chapter three hundred and ninety-three of the laws of eighteen hundred and eighty-two, entitled "An Act to amend Chapter six hundred and six of the laws of eighteen hundred and seventy-five, entitled 'An Act further to provide for the construction and operation of a steam railway or railways in the Counties of the State.'"

§ 1. Section 5 of said Chapter 393 is amended to read as follows:

§ 5: None of the provisions of this act shall apply to the Counties of New York, Kings and Westchester, and nothing herein contained shall be deemed to affect existing provisions of laws as to the acquisition of the title to real estate for railroad purposes.

§ 2. Act takes effect immediately.

Amends Section 5, Ch. 393 of 1882. See Ch. 606 of 1875, 417 of 1880, 485 of 1881.

1886. Chapter 642, p. 919.

Passed June 15.

AN ACT to amend Chapter sixty-five of the laws of eighteen hundred and eighty-six, entitled "As Act to secure adequate compensation for the right to construct, maintain, use, operate or extend street railroads in cities and villages."

§ 1. Amends said Chapter sixty-five by, among other things, inserting a new section as follows:

§ 4. This act shall not affect The New York Arcade Railway Company nor the rights possessed by it.

1886. Chap. 661, p. 952.

Passed June 15th.

AN ACT to amend Chapter nine hundred and nineteen of the laws of eighteen hundred and sixty-nine, entitled "An Act in relation to the new passenger depot of the New York and Harlem Railroad Company, at Forty-second street, in the City of New York, and to alter the map or plan of said city."

§ 1. Section 3 of said chapter nine hundred and nineteen is amended to read as follows:

§ 3. All that piece or parcel of land being sixty feet wide, running between and parallel with Fourth avenue and Madison avenue in the City of New York, from the northerly side of Forty-second street, to the southerly side of Forty-fifth street, the easterly line or side of said piece of land being one hundred and fifty feet distant westerly from the westerly line of Fourth avenue, and the westerly line or side of said piece of land being two hundred and ten feet distant westerly from the westerly line of Fourth avenue, is hereby declared for all legal purposes to be one of the streets of said city in like manner as if the same had been laid out by the commissioners appointed in and by the act entitled "An Act relative to improvements touching the laying out of streets and roads in the City of New York, and for other purposes" passed April 3rd, 1807; and the commissioners of appraisal appointed to value any land to be acquired for the purposes of the depot, as provided in this act, shall also appraise the value of the strip of land in this section described and declared to be one of the public streets of said city, and the award therefor shall be credited or applied to the payment of any award made for the lands to be acquired by the railroad company under this act.

§ 2. Act takes immediate effect.

Amends ch. 919 of 1869.

ORDINANCES AND RESOLUTIONS

OF THE

COMMON COUNCIL.

APPROVED IN 1860. PROCEEDINGS, VOL. 28. 1860—XXVIII

February 23, p. 37.

Declares it unlawful for any person to throw or sprinkle etc., or cause to be thrown etc., salt or any other substance, in any avenue, street, highway etc., in New York City, for the purpose of melting snow or ice accumulated or deposited in any such avenue etc., except such streets and avenues, or portions thereof, as are traveled by the cars of the city railroad companies, which companies are permitted to continue the use of salt inside, and one foot outside of the tracks, under penalty of not less than \$100, nor more than \$250, for each offence.

The Mayor and the Commissioners of Police are specially directed to cause the above provisions to be strictly enforced, and cause all violations to be immediately reported to the Corporation Attorney for prosecution.

Amended Decr. 24, 1864, February 6, 1867, February 11, 1868, February 18, 1875, December 24, 1875, January 14, 1876.

April 18, p. 96.

The Harlem and New York Navigation Company, lessees of piers and bulkhead at Harlem Bridge, permitted to occupy and erect such buildings, at or on the same, as are actually necessary for the transaction of their business, provided that in so doing they shall not interfere with the loading or discharging of vessels at said pier.

May 31, p. 175.

The Brooklyn Ferry Company authorized to

1880—XXVIII

agree with the owners of the lease of the Peck Slip Ferry, for the purchase of the lease of said ferry, for the unexpired term thereof, and to run said ferry to and from Fulton street, Brooklyn, or near thereto.

July 23, p. 233.

Third Avenue Railroad Company permitted to retain starting-box at lower end of the Park, during the pleasure of the Common Council.

August 2, p. 268.

The Ninth Avenue Railroad Company authorized and directed to complete the paving of 54th street, between Eighth and Ninth Avenues, and run their cars over the tracks as now laid by them in said street, to Eighth Avenue, and over the tracks of the Eighth Avenue Railroad Company, to and along Central Park, so soon as the Ninth Avenue Railroad Company can obtain the consent of the Eighth Avenue Railroad Company to use that portion of their tracks above 54th street.

August 15, p. 296.

The Eighth Avenue Railroad Company directed to repair, pave, maintain and continue to keep in good order the railroad tracks, switches, turn-outs, side tracks and curves, as now laid in Eighth avenue and other streets, through which their railroad passes.

September 17, p. 332.

Establishes a ferry from 130th st. N. R. to

some point on the Jersey shore, as nearly opposite ^{1890—XXVIII} as may be, and directs the Comptroller to sell the lease of the same at auction, for a term of ten years.

November 3, page 435.

Establishes a ferry across the North River from Desbrosses street to Harsimus street, Jersey City, and directs the Comptroller to cause the lease and privileges of a ferry between said points for a period of ten years to be sold at public auction, giving thirty days' notice of sale and to give lease to the highest bidder with adequate security, the lease to be prepared by the Counsel to the Corporation and to contain certain requirements of the lessee, (among others) to commence running each morning an hour before sunrise and make regular trips at fifteen minutes intervals until one hour after sunset, and then at half hour intervals until midnight, and to put the ferry in operation within three months after the execution of the lease; fare for each foot passenger not to exceed three cents.

November 22, p. 463.

Authorizes the New York and Harlem Railroad Co. to lay two side tracks of grooved rails in front of their own premises in Tryon Row, not exceeding 150 feet in length.

December 15, p. 496.

Grants to the Hydrogenated Fuel Company of the City of New York, the right to lay pipes for conducting hydrogenated fuel and other heating agents for heating and other domestic purposes, through the streets, avenues, lanes, alleys, squares

1860—XXVIII and other public places in said City for a period of thirty years; the conductors to be laid under the supervision of the Street Commissioner.

1861—XXVIII

APPROVED IN 1861. VOL. 28.

January 5, page 544.

Grants the application of John T. Mills for permission to run a portion of the Bulls Head line of stages from Pearl street, through Chatham street to the lower end of the Park.

1861—XXIX

APPROVED IN 1861. VOL. 29.

February 7, p. 11.

Directs the New York and Harlem Railroad Company to place, within thirty days from this date, an iron railing not less than two feet six inches high, upon the wall recently erected by them on the Westerly side of their track on Fourth Avenue, between 86th and 89th streets.

July 15, p. 166.

Requests Hoboken Ferry Company to run the boats of the Christopher street ferry until 9½ o'clock P. M., during the summer months.

August 6, p. 192.

Grants the petition of J. W. Flynn to run stages from Manhattanville to Harlem Bridge.

December 7, p. 280.

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Grants permission to the Pavonia Ferry Company to construct a ferry rack, not over seventy-five feet wide, north of and parallel to the present ferry rack, in the slip between piers 30 and 31, upon the company agreeing with the lessees of the other half of the slip, and leaving a space sixty-three wide between the rack and the pier foot of Duane street, the work to be done under the direction of the Street Commissioner.

December 30, p. 356.

Permits McMahon & Brothers, owners of the line of stages from Harlem, through 125th street to Manhattanville, to extend their route from Manhattanville up Broadway and Tenth Avenue, to High Bridge.

December 31, p. 373.

Gives the permission of the City Corporation to the "Central Park, North and East River Railroad Company," assigns under "An Act to authorize the construction of a railroad track on South, West, and certain other streets in the city of New York," passed April 17, 1860, and their assigns, to lay, construct, maintain, operate, and use a railroad, with a double or single track, as hereinafter provided, and to convey passengers and freight thereon for compensation, through, upon and along the following streets and avenues, route or routes, in said city, viz: To commence at the intersection of Tenth avenue and 59th street; thence along Tenth avenue, with double track, into West Twelfth street; along West 12th street, with single track, to Greenwich street; thence from West 12th street along both West and Greenwich streets, southerly, with single or double track on each street, to Battery Place;

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thence along Battery Place, with double track, State street, with single track, and Whitehall street, with double track, to South Ferry; returning along Whitehall street, with single track from its intersection with State street, to Bowling Green; along the southerly side of Bowling Green, with single track, to connect with the double track in Battery Place, with the right to construct, maintain and use a double track from West street along Chambers street to its intersection with Hudson street; also from the intersection of Tenth avenue and 59th street, with double track, along 59th street, First avenue, 23d street, Avenue A, 14th street, Avenue D, and Houston street to Mangin street; thence, with single track, along Mangin street, Grand street, Corlears street, South street, and Montgomery street to the junction of Front and South streets; thence along South street, with double track, to the junction of South and Front streets, at Roosevelt street; thence, with single track, along South street, Old Slip, and Water street to Whitehall street; along Whitehall street to South street, with double track; thence, with single track, along South street and Coenties Slip, to Front street; also with single track, from Old Slip along Front street to Whitehall street; also a double track in Broad street, from Water street to South street; also, along Houston street, from its intersection with Avenue D by the track already named, to Goerck street; thence, with single track, along Goerck street, Grand street to its intersection with Monroe street, Monroe street, Jackson street, Front street to its intersection with South street at Montgomery street; thence along South street, by the double track already named, to Front street at its junction with South street at Roosevelt street; thence along Front street to Old Slip, and thence along Front street to Whitehall street by the track already named; thence along Whitehall street, with single track, to South Ferry—with the privilege of laying all necessary

sidings, turn-outs, connections and switches, for ¹⁸⁵¹⁻~~xxxx~~ the proper working and accommodation of said railroad in any of said streets, and of connecting with, running on or crossing all such other railroad tracks as may lie along or across any of said routes, streets or avenues.

And in respect to said rails, track, railroad and route, authority, permission and license of franchise are given to said company to take up and replace so much of the pavement of any of said streets, etc., as may be necessary for said purpose, or to further said permission, and to use and occupy said streets etc. or any of them or portions thereof, and so much of the property of the City Corporation bordering on and adjoining said route or portions thereof, as may be needful to perfect and carry out and insure the authority and permission aforesaid given; said work to be done under the supervision and direction of the Superintendent of street improvements.

Said railroad shall be constructed on the most approved plan for city railroads, the cars shall run as often as public convenience shall require, and be subject to all the provisions of Chapter 41 of the Revised Ordinances approved June 20, 1859.

No higher rate of fare shall be charged for passengers than is now charged by city railroads in said city now chartered and constructed.

In the construction, operation, etc., of such railroad, should said parties, or their assigns, deem it necessary or proper to run upon, intersect or use any portion of other railroad tracks now laid on any part of said streets, etc., they are permitted so to do. In all cases the use of said street etc., for the purposes of said railroad as herein authorized, shall be considered one of the uses for which the City hold said streets, etc.

1862—XXX

APPROVED IN 1862. VOL. 30.

March 13, p. 23.

Permits the Metropolitan Gas Company to build a culvert and basin on the southeast corner of Eleventh avenue and 42nd street, under the direction of the Croton Aqueduct Department.

April 30, p. 53.

Permits Andrews & McDonald to run their stages from the present terminus, Fifth avenue and 42nd street, to 43d street and their stables therein.

May 31, p. 81.

Directs Ninth Avenue Railroad Company to take up its rails in Greenwich and Washington streets, between Reade and Canal streets, and in Greenwich street from Courtlandt street to Battery place, within thirty days from the passage hereof, and on its failure, the Croton Aqueduct Board to do it, the expense to be charged to and collected from said company.

June 16, p. 100.

Recites last above resolution, and that no appropriation was made to carry it into effect, and authorizes and directs Comptroller to pay for the removal of the tracks, in case the company refuses to comply with the resolution, the same to be charged to the appropriate account.

September 30, p. 159.

Directs Harlem Railroad Company to construct

a new and suitable bridge over Fourth avenue at ~~1862—XXX~~
71st street.

October 31, p. 203.

Permits Metropolitan Gas-light Company to erect a pier in North river, between 41st and 42nd streets, opposite their works, not to exceed five hundred feet long from present bulkhead and thirty feet wide, except forty feet of the outer end, which shall not exceed fifty feet wide, the centre line of the pier to be as nearly as possible on the centre line of the block between said streets, the pier to be built wholly on piles, and nothing herein contained to be taken to prevent future legislation by the Common Council on the subject.

APPROVED IN 1863. VOL. 31.

1863—XXXI

March 21, p. 54.

Recites lease of ferry from Peck Slip to Williamsburgh for term of ten years from May 1, 1859, to Meserole and others, upon express agreement that they would keep sufficient boats running at stated times;—that they have ceased to run boats on said ferry;—that the New Haven Steamboat Company now occupies the pier and slip at Peck Slip, leased to Meserole and others as the New York terminus of the ferry;—

And directs the Comptroller to demand from said lessees, or their assigns, that they at once proceed to re-establish said ferry and continue the same in accordance with the terms of the lease. And requests the Comptroller to inform the Board whether any rent is due and unpaid for the ferry; and as to what information he may have in relation to the discontinuance of the ferry and by what

1863—XXXI

authority and under what tenure said slip and pier are now occupied by said steamboat company.

April 23, p. 89.

Recites that the Legislature by Act of April 6, 1832, amending the Act of April 25, 1831, incorporating the New York and Harlem Railroad Company, authorized said Company to extend its railroad through such streets in this city as the City Corporation may from time to time permit;—that it has become necessary for public convenience that railroad cars propelled by horse-power should be run in Broadway, to and from Union Square and South and Fulton ferries;—that said Company has offered to extend its road in such manner as to afford the requisite accommodation and has proposed to pay into the City treasury ten per cent. of the gross receipts for all travel on the extension of the railroad below Union Square hereinafter authorized;—

Therefore,—

I. Permission is granted to said Company, and it is required, to extend its railroad and construct a double track of rails from its present Fourth avenue track, between 17th and 15th streets, through Broadway, to the foot of Whitehall street, with liberty to construct an additional single track around Bowling Green, and through State street, to the foot of Whitehall street, and also an additional single track around Union Square; also with permission to construct a single track from the track in Broadway, through John street, Burling slip, South and Fulton streets to the main track in Broadway, with the necessary switches and turn-outs for the convenient transaction of their business, and to place cars thereon adapted to the convenience and comfort of passengers, and to run the same as often as public convenience may require.

II. Permission is granted said Company, and it ^{1863—XXXI} is required, to extend its road and construct a double track, with the necessary switches and turnouts, from its present track on Fourth avenue, through 23d street and Madison avenue as far as the avenue is or may from time to time be opened, with permission to extend and construct a single or double track from its track in Fourth avenue, through 24th street to Madison avenue; and to place and run its small cars thereon as often as public convenience may require.

III. *Provided*, however, That, said Company shall, within ten days after the first day of each month, render to the Comptroller a statement, authenticated by its treasurer, of its gross receipts from all travel upon the extensions of its road below Union Square hereinbefore authorized, and at the same time, pay to said Comptroller, for the City's benefit, ten per cent. of such gross receipts.

IV. *Provided*, further, that the passenger fare shall not exceed five cents.

V. *Provided*, further, That said tracks shall be laid upon a good foundation, with the most approved rail, the pattern whereof shall be submitted to the Mayor for his approval; and said extensions shall be commenced without unnecessary delay and completed with all the expedition practicable.

VI. *Provided*, further, That the following provisions of the Act of April 6, 1832, shall be observed by, and the same are enjoined upon, said Company, viz.:

§ 4. No carriage or vehicle shall be drawn or propelled by any other than horse-power through any street south of 14th street.

§ 5. Every carriage or vehicle drawn &c. on said railroad shall be provided with suitable

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safeguards, projecting in a descending direction near the surface of the rails in front of each forward wheel, so as to insure the greatest safety against accidents.

§ 6. No carriage etc., to be propelled etc., at a greater speed than five miles an hour in any street below 14th street.

VII. *Provided, further,* That said Company shall, at its own expense, keep in sufficient repair &c. the pavement between the curbs of Broadway, from Union Square to Bowling Green, and of those parts of John, South and Fulton streets through which said extensions shall be constructed.

VIII. *Provided further,* That said Company shall pay the City a license fee of Twenty-five dollars per annum for each car it may run upon said extensions.

IX. *And provided, further,* That said Company shall, within ten days from the passage of this resolution, notify the Mayor, in writing, of its acceptance thereof.

September 17, p. 272.

Grants to the Anthracite Gas-lighting and Heating Company of New York, the right to lay pipes and mains for conducting gas for illuminating, heating and other purposes, through the streets, etc. and other public places in the City, for fifty years, as provided by the general manufacturing laws of the State; said conductors to be laid under the supervision of the Street Commissioner, the Company to restore the streets opened by it for laying such pipes to the same condition as before said pipes &c. were laid.

Amended May 26, 1865.

October 9, p. 338.

Permission granted to the Hudson River Railroad Company to use "Dumb Engines" to draw their cars between their several passenger and freight stations in the City, for ten years from their acceptance of this grant, upon condition that they pay in each year a license fee to the Mayor, for the use of the City, of Fifty Dollars for each such engine, used by them during that year.

October 15, p. 348.

Directs the Comptroller to advertise and sell at public auction a lease for a ferry or ferries from the slip between Piers 32 and 33 East River, New York, and the slip foot of Bridge street, Brooklyn, and also a lease of a ferry from said slip between Piers 32 and 33, to the foot of South Sixth street, Brooklyn, E. D., or such point adjacent thereto as hereinafter provided, for the term of ten years from May 1, 1864, and the parties purchasing such lease or leases at such sale shall procure, at their own risk and expense, the slips herein designated, and at any time prior to said May 1, 1864, and until said ferries are put in operation, under such sale, William Marrin, John G. Bell, and their associates or their assigns, are authorized to erect the necessary racks, bridges, ferry houses, &c., in said slip (providing they shall lease or procure the use of said slips at their own cost and expense) and establish and run suitable ferry boats for the accommodation of the public, and charge the usual rate of ferriage thereon, and the ferry landing thus secured and established in Brooklyn, E. D., shall constitute the slip or landing in said district contemplated in this resolution.

October 30, p. 374.

Permits the People's Gas-light Company of New

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York City, to manufacture, supply and sell gas in the City, and to lay conductors for gas through the avenues, etc., and public squares of the City, for ten years from the date of the organization of the Company, said conductors to be laid under the supervision of the Croton Aqueduct Department, and the Company is required to restore the streets opened for laying such conductors, to the same condition as before said conductors were laid.

November 23, p. 415.

Permits the New York and New Haven Railroad Company to lay a single track of railroad in Franklin street, from the Easterly side of Elm street to Centre street.

December 8, p. 423.

Permits Marshall & Perry, proprietors of the Sixth avenue, 8th and 9th streets, and Broadway line of stages, to change the terminus of their route from 46th street and Sixth avenue to 32d street and Sixth avenue, whenever they desire to do so.

1864—XXXI

APPROVED IN 1864. VOL. 31.

January 2, p. 566.

Requires Eighth Avenue Railroad Company to run a passenger car regularly to and from 84th street, at least once every ten minutes, or more frequently if the wants of the population of that part of the Island shall require it; and as frequently, as above prescribed, on any further

portion of the route above said street, so soon as ^{1864—XXXI} the rails are laid to enable it to do so.

Said company shall at all times keep at the upper terminus of the route a stationary car, suitably fitted up for shelter for passengers while waiting for cars.

Requires the company to lay rails and run cars, as above, without transfer of passengers, so fast as the avenue is graded, until the rails are laid and the cars regularly run, to the upper terminus of the route at Harlem River, pursuant to the conditions and stipulations contained in the charter from the city; and to place a shelter car on Eighth avenue between 59th and 60th streets.

APPROVED IN 1864. VOL. 32.

1864—XXXII

February 1, p. 16.

Recites, that the Hudson River Railroad Company, under regulations authorized by the City Corporation, having been permitted to use its tracks in Tenth Avenue, West and Hudson streets, for drawing thereon freight cars, has of late coupled together said cars so that they are drawn at so slow a speed and at such length as to interfere with the travel of said streets and at times cause undue obstructions thereof; and that new regulations are expedient; therefore,

1st. Said company is prohibited from drawing upon said tracks more than one freight car with a team or teams of horses or mules at a time, or from so drawing a car at less speed (except when starting or necessarily coming to a stop), than five miles an hour, or from stopping said car on any portion of said tracks in the public streets, longer than is absolutely necessary to avoid collisions. Nothing herein shall prevent said company from

1864—XXXII

drawing as many several freight cars, with said limitation of one team or teams of horses attached to each single car, as may be necessary to the due transaction of its freighting business; provided no car shall follow another at a shorter distance apart than the length of one block, and only at said rate of speed.

2d. If any agent or employé of said company offend against the foregoing regulation, he shall forfeit, as a penalty, on conviction thereof, before any police justice, five dollars for each offense, one half of said penalty to be paid by the police justice receiving the same to the informer and the remaining half to be paid into the city treasury.

3d. It is the duty of the Superintendent of Railroads and of each policeman to see that these regulations are observed.

March 8, p. 72.

Authorizes and requires the New York and Harlem Railroad Company forthwith to lay its tracks over the surface of Fourth avenue, from 32d to 42d street, with the necessary switches, etc., and to extend the trips of its small cars thereon to 42d street, without increased charge therefor to the public; and permits it to extend its road from Fourth avenue, with double tracks, through 34th street to East river, with the necessary switches etc., with the privilege, in case it shall deem the grade of 34th street impracticable, to connect its Fourth avenue track with 34th street, through 32d street and Lexington avenue. Provided, that said tracks shall be laid under the direction of the Street Commissioner, and that said Company shall, within ten days from the passage of this resolution, notify the Mayor, in writing, of its acceptance thereof.

March 28, p. 84.

1864—XXXII

Recites, that the Third Avenue Railroad Company, by its contract with the City, is subject to the requirements of the Common Council in respect to the operation of its railroad, and has exclusive right to run cars on said avenue; that the public accommodation requires that passengers on the East side should be carried directly to Central Park and other points not reached by said railway; therefore—

Authorizes and requires said Company to extend its tracks through 66th and 70th streets to the East side of Fifth avenue, and from Third avenue through 34th street to East river, with the proper turn-outs, &c.

And for the better accommodation of the public and to admit the running of more cars than can be accommodated at the present terminus and switches, said Company is authorized and required to extend its tracks from Chatham street through Chambers to the East side of Broadway, and from Third avenue through 130th street to the East side of Fourth avenue, with the proper turn-outs, etc., and to lay turn-outs and switches in Third avenue at 14th street, 5th to 7th streets, and in Printing House square and Tryon row, and to proceed to complete its lines as required in its original grant. The Company to operate said extension in connection with the rest of its line, at the same rate of fare fixed by its grant.

September 30, p. 203.

Authorizes the Fulton Railroad Company to construct, maintain, operate, etc., a horse railroad, with all the necessary turnouts, switches, buildings and other appurtenances relating to horse railroads, from or at some convenient point near Fulton ferry; thence along Fulton, Greenwich, Canal, West and Courtlandt streets, to and connecting with

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Maiden lane, thence along Maiden lane to Water street, or to an adjacent street parallel to Water street, or an adjacent parallel street to Burling slip; thence along Burling slip and South street to the place of beginning; also along Barclay street, from the intersection of Greenwich street therewith, to West street.

December 20, p. 418.

Permits the Hudson River Railroad Company to extend its tracks from Chambers street, through College place and Warren street to Broadway, for the use of its city cars, and to lay a side track in Hudson street, from Canal to Chambers street, and turnouts in front of its depot property in 29th and 30th streets, and to extend its Eleventh avenue tracks to connect with its Tenth avenue tracks, through 14th street.

December 24, p. 429.

Amends the ordinance of February 23, 1860, relating to the sprinkling of salt, etc., in the streets, as follows:

Declares it unlawful for any person, company, or corporation, to throw, sprinkle, etc., or cause to be thrown, etc., salt or any other substance in or upon any street, railroad track, highway, etc., in the City, for the purpose of melting any snow or ice, fallen, accumulated or deposited upon or in such street, railroad track, etc., under a penalty not less than \$500 nor more than \$1,000 for each and every violation of and offense against the provisions hereof.

December 29, p. 480.

Recites, that the New York and Westchester

County Railroad Company was, by its act of incorporation, empowered to extend its railroad into and through such streets in the City as the City Corporation may permit;—that it has become necessary, for the convenience of the public, to increase the number of horse-power railroad cars, running from Harlem river to South and Fulton Ferries;—that said Company has offered to so extend its railroad as to afford the public the requisite accommodation;—therefore,

Permits and authorizes said Company to lay, construct and maintain a double or single track of rails from Harlem River as follows: Commencing at Kingsbridge, thence by double track through Kingsbridge and Bloomingdale roads, Broadway, 57th street, Lexington avenue and around Gramercy Park, Irving Place, 14th street, Fourth avenue, Bowery, New Bowery, and Pearl street to Broad street; thence by a single track through Pearl and Whitehall streets to South Ferry; also, by a single track, from Pearl street through Broad, Water and Whitehall streets, to South Ferry; also, through Fulton street, from Pearl to Fulton Ferry, by double track, with the necessary switches and turnouts for the convenient transaction of its business, and to place cars thereon adapted to the convenience and comfort of passengers, and to run the same as often as the public convenience may require, provided that no other than horse power be used through any of the streets of the city.

Provided, further, That the passenger fare shall not exceed that allowed to be charged by other city railroads.

Provided, further, that said track or tracks shall be laid upon a good foundation, with the most approved rails; the pattern thereof shall be submitted to the Mayor for his approval, and the road thereby authorized to be laid shall be commenced without unnecessary delay, and be completed with all the expedition practicable.

Provided, further, that said Company shall, at

1864—XXXX

its own expense, keep in good order and sufficient repair the pavement in said street, between the width of its track.

Provided, further, That said Company shall pay a license fee to the City of twenty-five dollars per annum for each car on said line; and

Provided, further, that said Company shall within ten days from the passage of this resolution, notify the Mayor, in writing, of its acceptance thereof.

December 30, p. 502.

Recites, that certain contracts exist between the City and the Manhattan, Metropolitan, and Harlem Gas Companies for the supplying of gas in lighting different districts of the City;—and that it has become expedient to terminate the same;—therefore, resolved,—

That each of said companies shall have the right to terminate their respective contracts with the Corporation, on giving a written notice to the Street Commissioner of their desire so to do, and the same shall cease, determine, and be absolutely at an end ten days after the receipt of said written notice from either of said companies by the Street Commissioner.

December 31, p. 515.

Permission is given to Edwin R. Bennett and others, (named,) and those hereafter associated with them, have the authority and consent of the Common Council, and permission is granted them to lay tracks for a railroad in the following streets and avenues: Commencing from the northerly limit of avenue C, thence along avenue C, Second street, avenue A, Essex street, Grand street, Greene street, and Canal street to West street to

Courtlandt street Ferry; returning from Courtlandt street Ferry through West street, Canal street, Mercer street, Grand street, Norfolk street, Houston street, and avenue C to its northerly limit; also along Grand street from Essex street to the Grand street Ferry. Such tracks to be laid on such grades as are now established or may hereafter be established by the Common Council, and that they run cars thereon every day, both ways and as often as public convenience may require, under such prudential directions as the Common Council may from time to time prescribe. ^{1864—XXXXII}

That they run a car thereon every day, both ways, as often as every fifteen minutes, from 5 to 6 o'clock A.M.; every four minutes from 6 o'clock A.M. to 8 P.M.; every fifteen minutes from 8 P.M., to 12 M., and as much oftener as public convenience may require, under such directions as the Common Council may from time to time prescribe; also, that the said passage on said railroads shall not exceed a greater sum than is now charged or may hereafter be charged by the other City railroad companies for the entire length of said railroad.

Also, that said tracks shall be laid upon a good foundation, with an improved rail, even with the surface of the street through which they pass.

Also, that in the construction, operation and use of such railroad, should said parties, or their assigns, deem it necessary or proper to run upon, intersect, or use any portion of other railroad tracks now laid upon any of said streets, etc., they are authorized so to do; and in case they cannot agree with the owner thereof respecting the compensation to be made therefor, the amount of such compensation shall be determined in the manner provided by subdivision six of section 28 of the General Railroad Act of 1850; and should any real estate or interest therein be required for constructing said railroad, or said route or routes, as above specified and authorized, for which said persons, or their assigns, shall be unable to agree with the

1864—XXXII

owner for the use or purchase thereof, they may acquire the right to use or title to the same in the manner specified in sections 14 to 21, inclusive, of said General Railroad Act, except that in any proceeding for any purpose authorized by said sections, it shall not be necessary that the petition to the Supreme Court make any allegation of or reference to any incorporation, capital stock, surveys, or maps, or of the filing of any certificate of locations; But in all cases the use of said streets etc., for the purposes of said railroad as herein authorized shall be considered one of the uses for which the City Corporation holds said streets, &c.

Also, the association shall not be deemed dissolved by the death or any act of any associate, but his successor in interest shall stand in his place, and the right of each associate shall depend on his own fulfilment of the condition imposed on him by these restrictions, or the articles of association any by-laws of the association; and in case of his failure to fulfill the same, his right shall be forfeited to and devolve upon the remaining associates, after twenty days' notice of such failure from the secretary of the association, specifying the particulars of his delinquency, and said parties or associates may at any time incorporate themselves under the General Railroad Act, whenever two-thirds in interest of the associates shall require it.

1865—XXXIII

APPROVED IN 1865. VOL. 33.

March 23, p. 51.

Authorizes and directs the Comptroller to advertise and sell at public auction a lease to establish and maintain a ferry from the basin, foot of Spring street, to Hoboken, New Jersey, at the point where the old ferry was established, or a thousand yards

north or south of that point, for a term not exceed- ^{1868—xxxiii}
ing ten years.

Amended April 3, 1866.

May 26, p. 163.

Amends the resolution relating to the "Anthracite Gas Lighting and Heating Company of New York," of September 17, 1863, by adding after the words "New York," in the second line, the words "and their assigns."

June 20, p. 201.

Grants the City Gas Company of New York, or its assigns, permission to manufacture, supply and sell, and the right to lay pipes or mains, for conducting gas for illuminating and other purposes, through the streets, etc., and other public places in the city, for fifty years from the date of organizing the company, as provided by the general manufacturing law of the State; said conductors to be laid under the supervision of the Street Commissioner, said company being required to restore the streets opened by it for the purpose of laying such pipes etc., to the same condition as before said pipes etc., were laid.

September 2, p. 251.

The Street Commissioner is directed to notify the company or persons owning or claiming to own the unused rail tracks in Walker street, between Broadway and West Broadway, to lower said tracks to the established grade of the street; in the event of his being unable to ascertain the names of such owners, or their neglect or re-

1865—XXXIII

fusal to remove the same forthwith, after being notified, if found there, that he cause said tracks to be removed from the street, and to dispose of the materials removed.

December 15, p. 279.

Directs Street Commissioner to notify the owners of the rails now laid in Greenwich and Washington streets, south of Canal steet, to cause them to be removed forthwith.

In case such owners neglect to comply with the directions of the Street Commissioner, for thirty days, the Street Commissioner shall cause said rails to be immediately removed at the expense of the owners.

December 30, p. 387.

Grants consent and permission of the Common Council to the High Bridge Railroad Company to construct and operate that part of its route, within the corporate limits of the city, along and upon the following streets, &c., to wit: Third avenue, from 130th to 125th street, 125th street, Manhattan street to Bloomingdale road (or Eleventh avenue), and thence along Bloomingdale road and Tenth and Eleventh avenues to High Bridge.

1866—XXXIV

APPROVED IN 1866. VOL. 34.

March 8, p. 71.

Directs the Street Commissioner to immediately notify the Central Railroad Company of New Jer:

sey to remove the ferry buildings, sheds &c. from ^{1866—XXXIV} Piers 14 and 15 N. R. and the bulkhead between said piers; and in event of said Company's refusing or neglecting to do so within ten days, said Street Commissioner is directed to remove the same and sue the company for the expense;

Directs the Counsel to the Corporation immediately to commence an action against said company for trespassing on the rights and franchises of the City, with a view of obtaining exemplary damages for such wilful and unauthorized assumption of its Corporate property, and in order to deter any further violation of its chartered rights and franchises.

April 3, p. 93.

Recites resolution of March 23, 1865, (p. 51,) directing the establishment of a ferry from the foot of Spring street to Hoboken;—that it is found impossible to procure a suitable landing place on the Hoboken shore, within the prescribed distance;—and the desire of citizens of the 5th, 8th and 9th wards to have the ferry established;—

And amends said resolution by making the New Jersey terminus of the ferry "any point on the New Jersey shore that may be found practicable."

April 23, p. 110.

Directs the Street Commissioner to notify the owners of the unused rail tracks in North Moore street to lower said track to the established grade of the street; and if he be unable to ascertain the names of the owners or they refuse to remove the same forthwith, that he cause it to be done and dispose of the material to reimburse the City for the expense,

1886—XXXIV *May 29, p. 175.*

The Eighth Avenue Railroad Company permitted to use, (while the regrading of Eighth avenue above 59th street is in progress,) any portion of said avenue not being in process of regrading, as may be necessary for the purpose of laying its rails and running its cars thereon, so as to afford the same accommodation to the public as heretofore.

June 27, p. 212.

Every Railroad or Car company whose cars are propelled or driven within the limits of the city, shall provide each passenger, baggage and freight car, or other vehicle used by said company upon its track, or the track of other companies used by them, within the city limits, with a good light or lantern, placed in a conspicuous position on the front of said car, to warn persons of its approach, between sunset and sunrise of each day.

Imposes a penalty of two hundred and fifty dollars for each and every trip or part of trip through the city limits made by a car of such company that is not provided with said light, to be recovered in the name and for the use of the City Corporation.

Ordinance takes immediate effect.

July 10, p. 249.

Gives permission to the proprietors of the ferry over the East river, between the foot of 86th street and Astoria, to remove the New York terminus of said ferry to a point at or near the foot of 92nd street, provided they shall pay the same annual rent as at present and procure said location at their own risk and expense; the location thus

procured and occupied under this permission shall ^{1866--XXXIV} constitute the New York terminus of said ferry in lieu of the said present terminus, and the Comptroller is directed to sell a lease of said ferry, for the term of ten years, pursuant to the provisions of the Amended Charter, and a pier is to be built forthwith at the foot of 92nd street, under the direction of the Street Commissioner.

September 24, p. 331.

Establishes a ferry across the North river from 23d street to Pavonia avenue, Jersey City; directs the Comptroller to carry this resolution into effect and give a lease for such ferry; the lease and privileges to be for ten years from May 1, 1866, and to be sold at public auction to the highest bidder, with adequate security, in accordance with the Act of the Legislature of April 14, 1857; the lease to be prepared by the Counsel to the Corporation, and to contain, so far as applicable, all the covenants and conditions for the benefit and protection of the City contained in the lease of the Pavonia ferry.

December 26, p. 386.

Recites that the tracks of the Third Avenue Railroad Company, at the intersection of 74th street with the avenue are a foot above the grade of the street and have been so raised by the Company in violation of its grant as well as of the ordinance and presents an obstruction to the free use of the street;—

Directs the Street Commissioner to notify the Company to lower its tracks to the established grade of the avenue at 74th street; and in case the company refuse or neglect to comply with such notification for ten days, the Street Commissioner

1866—XXXIV is directed to do the work and sue the Company for the expense.

1867—XXXV

APPROVED IN 1867. VOL. 35.

February 6, p. 4.

Amends the existing ordinance in regard to the prevention of throwing salt on the railroad track in the city so far as to permit salt to be thrown on the switches and turnouts. "Provided permission be first obtained from the Mayor."

See ordinance of February 23, 1860, p. 37, and the amendments there noted.

April 24, p. 65.

Recites (among other things), the insertion by the State Legislature of a clause in the County Tax Levy, providing that hereafter the Board of Metropolitan Police shall "exercise all the powers and perform all the duties now conferred by law and ordinances on the Mayor and Common Council conjointly, and all other Boards and officers, except the Board of Health, in respect to" various matters, including cars, coaches, cabs, carts, omnibuses &c. and their drivers, &c. &c.

And annuls and repeals all ordinances heretofore adopted by the Common Council relating to those matters or things.

Repealed Octo. 28, 1867, p. 170.

June 22, p. 130.

Permits the Hudson River Railroad Company, during the continuance of its charter,—

To continue to run its locomotives into its passenger depot at 30th street;—

To use "dummy engines" to draw its cars between its several passenger and freight stations in the city, on condition that it pay each year a license fee of Fifty Dollars for each engine used by it during that year; and to lay down such switches and turnouts at its several depots, as are necessary for the convenient transaction of its business. ^{1867—XXXV}

Repeals and annuls so much of the resolution approved December 13, 1858, as relates to the running of locomotives by said company, and the removing and laying down of rails in use and to be used on its road.

June 29, p. 136.

Requires the Harlem Railroad Company to construct a substantial iron bridge at 82d street over the cut in Fourth avenue; the bridge to be the full width of the street, with a walk for pedestrians of the full width of the sidewalk on each side, partitioned off from the other portion of the bridge; the work of construction to be commenced forthwith and prosecuted to completion without unnecessary delay and to be under the supervision and direction of the Street Commissioner.

October 28, p. 170.

Rescinds and repeals the resolution of April 24, 1867, (p. 65,) annulling and repealing all the ordinances of the Common Council, existing at that time, relating to, cars, coaches, cabs, carts, omnibuses, etc. and their drivers.

December 9, p. 181.

Authorizes the Second Avenue Railroad Company to lay down and use necessary turnouts and

1867—XXXV

sidetracks, extending from the present tracks in Second avenue to and along their property in 63d and 64th streets, between First and Third avenues.

December 23, p. 190.

Permits the New York and Harlem Railroad Company to use dummy engines to draw cars between its several passenger and freight stations in the city, during the continuance of its charter, on condition that it pay each year a license fee of fifty dollars for each such engine used during that year, and to lay down such curves, switches and turnouts along its route and at its depots, as are necessary for the convenient transaction of its business.

1868—XXXVI

APPROVED IN 1868. Vol. 36.

April 30, p. 124.

Permits the New York Mutual Gas-light Company to lay pipes for conducting gas through the streets, squares, etc. in the city, for thirty years, to be subject to the same restrictions as to the mode of laying down said conductors as apply to and govern the New York and Manhattan Gas-light Companies in that respect.

December 8, p. 292.

Directs the Street Commissioner to cause the New York and Harlem Railroad Company to erect neat and substantial iron bridges across the cut made by said company through Fourth avenue, at 69th, 70th, 71st and 85th streets; said bridges to be the full width of the street, with a portion thereof of the width of the sidewalk to be inclosed

with an iron railing for the safety and protection^{1868—XXXVI} of pedestrians; the work of constructing said bridges to be commenced immediately and prosecuted to completion without unnecessary delay.

December 16, p. 301.

Directs the Street Commissioner to have the rail tracks of the New Haven Railroad Company, now in Franklin and White streets, between Elm and Centre streets, removed forthwith, the same being a public nuisance, &c., &c.

APPROVED IN 1869. Vol. 37.

1869—XXXVII

May 19, pp. 113, 114.

Ordinance making the annual appropriations for the support of the City Government. Applies the provisions of Ch. 880, Laws of 1867, relating to the arching of the cut in Fourth avenue, to that portion of said avenue lying between 67th and 71st streets, and appropriates for damages to the contractor for grading Hamilton Square, \$40,000.

June 12, p. 169.

Recites that public travel in Park Row is very large,—that the telegraph poles and gas lamps are so close to the curbstone as to add to the danger of said travel, both by vehicles and pedestrians,—and that public travel can be materially assisted by their removal,—and

Directs the Street Commissioner to have said gas lamps, from Centre street to the lower end of the Park, placed inside the railing, and to confer with the telegraph companies owning the poles

1869—XXXVII and have them also placed on the inside of the easterly railing of the Park for the same distance.

October 20, p. 302.

Recites that by State enactment the local authorities of the city are prevented from establishing any new line of stages or accommodation coaches or extending any old line now in existence, without the written consent of one-third of all the owners of property on the line of the proposed new, or extension of any old, line;—that it is desirable that the present line of stages on Fifth avenue, should be extended from its present terminus northwardly to 86th street, for the accommodation of residents on the line of the proposed extension; and as this Corporation owns more than one third of the property included within the limit of the proposed extension, viz: Central Park; therefore,—

This Corporation gives its assent to the extension of the present line of omnibuses running on Fifth Avenue, from 43d to 86th street, conditioned that the proprietors shall immediately commence running three stages at regular intervals of half an hour, and as much oftener, hereafter, as public convenience may require.

December 22, p. 389.

Recites that the upper part of the city is being rapidly built up, and the present lines of travel are becoming more insufficient to accommodate the transportation of the inhabitants of that locality; and

Requests the Harlem Railroad Company to stop its local or accommodation trains at 109th street.

February 18, p. 60.

Directs and requires the Harlem Railroad Company immediately to construct, over the cut in Fourth avenue for said railroad, at 81st street, a neat and substantial iron bridge, to be the full width of the street, with a walk for pedestrians of the full width of the sidewalk on each side, partitioned off from the other portion of said bridge; the work of constructing said bridge to be commenced forthwith and prosecuted to completion without unnecessary delay, and be under the supervision and direction of the Street Commissioner.

April 25, p. 138.

Permits the Dry Dock, East Broadway and Battery Railroad Company to place a starter's box in front of No. 1½ Park Row.

August 24, p. 107.

Permits the Dry Dock, East Broadway and Battery Railroad Company to place and keep, during the pleasure of the Common Council, a starter's box in front of the premises of David Pollock, No. 73 Cortlandt street, (Pollock having given permission therefor,) the same to be done at the expense of the Company, under the direction of the Commissioner of Public Works.

1871—XXXIX

October 25, p. 182.

Orders and directs the Harlem Railroad Company to construct a bridge over its track at the intersection of Fourth avenue and 96th street, without delay, similar in all respects to the bridge erected by the company across its track at said avenue and 86th street; the work to be at the expense of the company and under the direction and supervision of the Commissioner of Public Works.

October 24, p. 182.

Recites that the Broadway and East Side Stage Company, a corporation created by and under the "Act to regulate stage routes in the City of New York" &c., passed April 4, 1854, and the amendatory act of April 13, 1857, are the owners of the right and franchise of operating &c. a line of stages on Broadway and other streets and avenues in the city;—that the directors have resolved to extend the route designated in the articles of association of the company;—that it is desirable that said line of stages should be extended, for the accommodation of residents on the line of the proposed extension, through and along certain streets named:—

And that a majority of the owners of property on the streets and avenue in and upon which said route is to be operated have consented to such extension;—therefore,

The City Corporation assents to the extension of the present line of omnibuses owned and operated by said company, from Broadway and 8th street along Broadway, East 14th street, Avenue D and East 10th street to the ferry house at the foot of East 10th street, provided said company shall commence running stages on said route at regular intervals, and as often as public convenience may require.

January 1, p. 256.

Requires the New York and Harlem Railroad Company to construct certain bridges over its track in Fourth avenue,—to depress or lower its tracks and roadway in certain parts of said avenue,—to continue them at the present grade in other parts of said avenue,—and to elevate or raise them in certain other parts,—to protect the roadway at certain points by a parapet wall,—etc. etc. —one-half of the expense to be borne by the company and the other half by the City; also to lay additional tracks and take part of the avenue for the purpose; also to change the grades of the streets at crossings, &c. &c.

Repealed March 6, 1872.

March 6, p. 11.

Annuls, rescinds and repeals the resolutions in relation to the New York and Harlem Railroad Company, passed Jany. 1, 1872, over the veto of the Mayor, (being the last above mentioned resolutions.) (See Vol. 39, p. 256.)

June 7, p. 88.

Grants permission to the Second Avenue Railroad to stand a starter's box (about six by eight feet) near the junction of Second avenue and Harlem River, during the pleasure of the Common Council.

1872—XL

September 17, p. 173.

The box used as an office by the Madison Avenue Stage Company at the southeast corner of Madison avenue and 42d street to be removed, being a nuisance.

1873—XLI

APPROVED IN 1873. VOL. 40.

January 6, p. 284.

Directs the Commissioner of Public Works to compel the several telegraph companies having poles in the City to immediately brand or paint the name of their companies on every pole now or hereafter to be erected.

1873—XLI

APPROVED IN 1873, VOL. 41.

April 9, p. 49.

Directs the Commissioner of Public Works to notify the Eighth and Sixth Avenue Railroad Companies, jointly and severally, to remove the track on which their cars now run, on the west side of College Place, between Chambers and Warren streets, and that they use the track now laid in the middle of the street, connecting the same with their main tracks north of Chambers and south of Warren streets; and in the event of neglect or refusal on the part of said companies to remove said track for thirty days after notice, said Commissioner is to enforce the provision of that part of the resolution approved December 21, 1852, which directs that "except they build a single track only through said streets (including College Place), then said Street Commissioner is directed

to have said streets restored to their former condition," at the expense of the City, and sue the companies, jointly or severally and respectively, for the cost. 1873—LXI

APPROVED IN 1874. VOL. 42.

1874—XLII

February 12, p. 34.

Directs the Harlem Railroad Company to place a wooden footway across Fourth avenue at 130th street, for the accommodation of citizens of that section of the city.

March 7, p. 51.

The Fireless Engine Company of the City of New York is authorized to agree with any of the railroad companies of the City whose roads are now operated by horse power, for the use of their fireless engines as a motive power in the City; and any of such railroad companies are authorized to use such motive power on their roads, under the conditions imposed by Chapter 432 of the laws of the State passed May 7, 1873, and may continue to use the same during the pleasure of the Mayor and Common Council.

October 2, p. 230.

Permits the Law Telegraph Company to place telegraph instruments in the New Court House, in the building occupied by the Marine Court, and in the Register's Office, to occupy a space not to exceed four feet square on each of the floors in the hallways of the two first named buildings, nor more than four square in the Register's Office,

1874—XLII

under the direction and supervision of the Commissioner of Public Works; provided such instruments and the connected wires shall not interfere with the regular business of the Courts, nor injure or deface the walls, at an annual rent not exceeding \$2,000, to be placed to the credit of the General Fund; this permission to continue only during the pleasure of the proper authorities.

December 4, p. 273.

Permits the New York Central and Hudson River Railroad Company to lay a side rail-track in West 14th street, extending from its present tracks in Tenth avenue about 300 hundred feet toward Eleventh avenue, provided the work be done entirely at the expense of the Company, in manner to present no impediment to the public use of said avenue or street, under the direction and supervision of the Commissioner of Public Works; this permission to continue only during the pleasure of the Common Council.

December 17, p. 281.

Permits the Hudson River Railroad Company to lay a turn-out so as to enter premises Nos. 78 to 82 Tenth avenue, to connect with Kidd's lumber yard, to continue only during the pleasure of the Common Council and to be done under the supervision of the Commissioner of Public Works.

1876—XLIII

APPROVED IN 1875. VOL. 43.

January 18, p. 7.

Directs that a temporary bridge be placed imme-

diately over Fourth avenue at 84th street by the ^{1873—XLIII} Harlem Railroad Company, under the direction of the Commissioner of Public Works, in order to accommodate the people of the vicinity, particularly the worshippers in the Church of St. Lawrence.

February 26, p. 41.

An ordinance to regulate the use of snow ploughs and sweeping machines by railroad companies and others, in the City of New York.

§ 1. It shall not be lawful for any of the street or horse-car railroad or stage companies, proprietors, or corporations within the limits of the city, or their officers, agents or servants, to cause or allow any snow-plough, sweeping machine, or other similar instrument to pass over the tracks or lines occupied or used by them within said limits, unless by express permission in that behalf to be granted to them by the Mayor.

§ 2. Any of said companies, etc. who shall violate the provisions of the above section, shall be punished by a fine not exceeding one hundred dollars for each offense, and the officers, etc. of such companies, etc. who shall violate said provisions, shall be punished by a like fine for each offense.

§ 3. No such permit, or renewal thereof, shall be granted, unless upon the express condition and agreement to be assented to on the part of the company, etc. applying for the same, that in case of any fall of snow so deep that the throwing up of the snow by any such snow-plough etc. will render the highway unsafe for travel, or make inconvenient the approach to the curbstone, then, within twenty-four hours after such fall of snow, and after the use of such snowplough, etc. such company, etc. shall and will, at his or their own expense, remove and carry away the snow thrown

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up by such plough etc., and reduce the snow upon the highway adjacent to their tracks or lines, to such level as will make convenient for all vehicles the approach to the curb-stone, and render the whole width of the roadway safe for travel; and that such snow-plough, etc. be so constructed as not to throw any snow or slush on the walks or buildings, under a penalty of ten dollars for every house or sidewalk in front thereof, upon which such snow or slush shall be thrown.

§ 4. No such permit or renewal shall be granted unless such company, etc. shall expressly covenant, stipulate and agree that in case of his or their failure, etc., to remove and carry away the snow to be thrown up by such snow-plough, etc. and to reduce and level snow on the adjacent highway, within the time and manner aforesaid, then the same may be removed, leveled etc. under the direction of the Commissioners of Police, and the expenses of such removing, etc., shall be paid by such company etc. to said Commissioners on demand.

§ 5. In case of the neglect, etc., of any company, etc. to whom such permit or renewal may be granted, to remove and carry away the snow thrown up by such plough etc., and to reduce and level the snow within the time and in the manner aforesaid, the Commissioners of Police, by direction of the Mayor, shall forthwith cause the same to be removed, reduced, &c. at the public expense, and all the expenditures made or incurred therefor shall be chargeable upon the company, etc. so neglecting, etc. to perform his or their agreement, and the same recoverable by an action at law, to be commenced by the Corporation Attorney on behalf of the City Corporation.

§ 6. The permission to use such plough, etc. shall be determined by and continue only during the pleasure of the Mayor.

§ 7. Repeals all inconsistent or conflicting ordinances or parts of ordinances. 1875--XLIII

§ 8. Ordinance takes immediate effect.

See Resolution February 7, 1879, vol. 47, p. 8.

February 25, p. 47.

Directs the Commission of Public Works to notify the Avenue D and East Broadway Railroad Company to take up and remove their present track at Broadway and Ann street, so that the end thereof shall not be nearer than ten feet from the Easterly line of the crosswalk at the intersection of said streets, and to change their switches to conform; and in the event of neglect or refusal by said company, then said Commissioner is directed to remove said tracks &c., paying therefor from the appropriation for "Removing Obstructions in Streets and Avenues," and report the amount to the Counsel to the Corporation, who is directed to sue the company for the cost; the sum recovered to be placed to the credit of said appropriation.

March 24, p. 70.

An Ordinance for the licensing of city railroad passenger cars.

§ 1. Every passenger railroad car running in the city shall pay into the City Treasury fifty dollars, annually, for a license; a certificate of such payment to be procured from the Mayor, except the one-horse cars and those of the Ninth Avenue Company, which shall each pay twenty five dollars, annually, for said license, and except such as pay three per cent. or over on the gross receipts, or where the franchise has been sold at public sale to the highest bidder.

§ 2. Each certificate of payment shall be affixed

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to some conspicuous place in the car, that it may be inspected by the proper officer, designated and appointed by the Mayor.

§ 3. For every passenger car run upon any of the railroads without the proper certificate of license, the proprietor thereof shall be subject to a penalty of fifty dollars for each day every such car shall be so run, to be recovered by the Corporation Attorney, as in the case of other penalties.

§ 4. Repeals chapter 41 of the Revised Ordinances of 1866, and all other ordinances or parts of ordinances inconsistent or conflicting with the provisions hereof.

§ 5. Goes into immediate effect.

April 2, p. 82.

The Common Council approves of the accompanying Act, (entitled "An Act to authorize cities "to provide railways for rapid transit of persons "and property, and to create corporations for that purpose"), and requests the Mayor to transmit it, with this resolution, duly authenticated, and a memorial on behalf of the City Corporation, to the Legislature, praying for the passage of the Act.

April 19, p. 114.

Permits the Directors of the New York Bridge Company to lay a double line of rail-track from the land of the company on which the tower of the bridge stands on South street, near Roosevelt street, to the land of the company intended for the anchorage, bounded by Water, Cherry and Dover streets, through and across South, Front, Roosevelt and Water streets, as shown on the accompanying diagram, to be done entirely at the expense of the company, with as little interference

as possible with the uses of said streets for public ^{1875—XLIII} purposes, and under the direction and supervision of the Commissioner of Public Works; this permission to continue only during the pleasure of the Common Council.

April 29, p. 121.

Directs and requires the Hudson River Railroad Company to construct a stone bridge over its tracks at 152nd street, simultaneously with the work of regulating and grading said street from the Boulevard to the Hudson river, the work to be done under the direction and supervision of the Commissioner of Public Works.

Amended July 26, 1876, Vol. 44, p. 247.

May 17, p. 155.

Preamble and resolutions, petitioning the Governor to sign the bill relating to rapid transit now before him, known as the Common Council or Moore Bill;—thanks Hon. Hugh H. Moore and other members of the Senate and Assembly for their exertions in behalf of rapid transit, &c.;—and directs that a committee be appointed to present these resolutions to the Governor and express the interest the citizens of New York take in the fate of the bill.

May 17, p. 158.

That in view of the urgency of the case, a committee of nine of the Common Council be appointed, to proceed immediately to attend upon the Governor and solicit his prompt approval and signa-

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ture of the bill (to secure rapid transit,) adopted by the Common Council and approved by the Mayor, which was introduced into the Senate by Senator Hugh H. Moore of this City;—and that the representatives of this City in the Legislature are requested to co-operate with the Committee and oppose and defeat every attempt to distract attention from the bill, &c. &c.

May 17, p. 160.

Asks the Governor to give his official sanction to the law giving increased powers of extension and improvement to the New York Elevated Railway Company, as a measure highly promotive of public and private interests, and likely to afford the first practical solution of the problem of rapid transit for this City,—this Board having heretofore memorialized the Legislature to pass the law and the bill being now before the Governor.

May 17, p. 160.

Refers to the bill entitled “An Act further to provide for the construction and operation of a steam railway or railways in the counties of this State,” introduced in the Assembly on the 14th inst. by Hon. J. W. Husted, and recites objections thereto, and resolves, that as a substitute for the rapid transit bill heretofore presented to the Legislature by the Common Council, and now before the Governor for his signature, said bill does not meet with the approval of this body.

June 8, p. 199.

Recites that the Hoboken Ferry Company has placed gates at each end of its ferry boats, afford-

ing ample security against the possibility of accidents to passengers;—that it is desirable that the boats of the other ferry companies should be supplied with similar appliances;—

Directs that hereafter, in all leases of the right to run ferry boats upon any of the ferries, to and from the opposite shores, all around the Island of Manhattan, a clause shall be inserted providing for the erection of gates on every such ferry boat, similar in all respects to the gates now in use on the boats of the Hoboken Ferry Company.

November 3, p. 362.

Establishes a ferry from the bulkhead at the foot of Whitehall street, to Staten Island; the franchise to be sold at auction to the highest bidder.

November 19, p. 366.

Authorizes the Western Union Telegraph Company to lay down tubes and wires for telegraph purposes in the street between the Company's main office, corner of Broadway and Dey street, and its office 14 Broad street, through Broadway and Wall street; also from said main office, through Maiden Lane to 134 Pearl street, such tubes (not exceeding four in number) and wires to be laid three feet below the pavement; the removing and restoring the street surface to be done subject to supervision by the Department of Public Works, the work to be done at the Company's expense, and this permission to continue only during the pleasure of the Common Council.

December 24, p. 388.

Gives permission, as provided in Section 42,

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chapter 24, Revised Ordinances of 1866, to the several City railroad companies to sprinkle clean sand, unmixed with salt or any other substance, upon the pavement between their rails, when necessary, in order to provide better and more secure footing for their horses, between November 1st and April 1st, upon receiving such permit from the Mayor.

Amended Jany. 14, 1876, vol. 44, p. 5; April 29, 1876, vol. 44, p. 141.

See resolution of Feby. 23, 1860, vol. 28 p. 37 and the amendments thereto.

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APPROVED IN 1876. VOL. 44.

January 14, p. 5.

Amends the resolution approved Decr. 24, 1875, allowing the City railroad companies to sprinkle clean sand upon the pavement, by inserting after the word "railroad" the words "and stage," and after the word "rails" the words "and stage companies along their routes," and recites the resolution as amended.

See resolution of Decr. 24, 1875 (vol. 43, p. 388), and April 29, 1876 (vol. 44, p. 141).

February 15, p. 39.

Requests the Legislature to enact a law to prevent the stoppage of horse-cars upon street crossings, substantially as set forth in the resolution.

April 19, p. 134.

Permits the New York, New Haven and Hartford Railroad Company to place two Fairbanks'

scales on 46th street, in front of their engine ^{1876—XLIV} house, at their own expense, and under the direction of the Commissioner of Public Works; the permission to continue only during the pleasure of the Common Council.

April 29, p. 141.

Repeals the resolution of Decr. 24, 1875, (vol. 43, p. 388,) amended Jany. 14, 1876, (vol. 44, p. 5,) permitting railroad companies to sprinkle clean sand between their rails, and

Gives permission, as provided in Section 42, Chapter 24 of the Revised Ordinances of 1866, to the several City railroad companies to sprinkle clean sand, unmixed with salt or other substance, along their routes, whenever or wherever necessary, in order to provide better or more secure footing for their horses, upon receiving such permit from the Mayor; and allows stage companies a like privilege during the inclement months of the year, or from November first to April first, upon receiving a like permit from the Mayor.

July 26, p. 247.

Amends the resolution approved April 29, 1875, (vol. 43, p. 121,) directing the Hudson River Railroad Company to construct a stone bridge over its tracks at 152nd street, by adding after the word "bridge," in said resolution, the words "or bridge of stone and iron, of the full width of the carriageway and sidewalks."

August 8, p. 259.

Permits Marshalls & Wilkins, proprietors of the Madison Avenue Stage Line, to erect a Starter's

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box, not over five feet square, at the curb near the Southwest corner of Fourth Avenue and 42nd Street, at their own expense, under direction of the Commissioner of Public Works; permission to continue only during the pleasure of the Common Council.

August 8, p. 268.

Directs Commissioner of Public Works to notify the telegraph companies owning the unused poles now incumbering many of the streets, to remove the same forthwith; and in case of refusal or neglect on the part of any or either of said companies to comply with such notification for ten days, then that he cause the Superintendent of Incumbrances to remove the same as being both an obstruction to the free uses of the streets and dangerous to life.

August 11, p. 273.

Directs Commissioner of Public Works to notify the several telegraph companies owning or using telegraph poles now or hereafter erected in any street, avenue or public place within the corporate limits of the City, to brand or paint on a conspicuous place on every such pole, within thirty days after notification, the name of the company or other owner of such pole. Any telegraph company or other owner of any such pole, who shall neglect or refuse to comply with the directions herein mentioned, shall be deemed guilty of a misdemeanor, and, on conviction thereof, incur a penalty of ten dollars for every day such violation shall continue, and it is the duty of the Commissioners of Police to report every such violation to the Corporation Attorney, who shall prosecute the same, and the offender shall be punished pursuant

to the provisions of Sections 20 and 21 of an act ^{1866—XLIV} relative to the powers of the Common Council and the Criminal Courts of the City, passed January 23, 1833, and to the provisions of Section 5 Article 4 of an act relative to the Police Department of the City, passed April 13, 1853.

Also, each of the Departments and officers of the city government, using telegraph poles, is required and directed to brand or paint, in like manner, upon every telegraph pole so used by them the name of the department using such pole.

December 23, p. 413.

Gives permission to all incorporated Gas-light Companies to lay gas-mains and pipes in the streets, avenues and public places in this city for the purpose of supplying gas to the city and its inhabitants, upon such conditions as may be first prescribed and approved of by the Mayor, the Comptroller and the Commissioner of Public Works, who are now by law authorized to make provision for lighting the streets of the City.

Repealed Sept. 1, 1884, (Vol. 52, p. 383) but all rights saved.

APPROVED IN 1877. VOL. 45.

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February 6, p. 20.

Requires the city railroad companies running cars in this city to conform to all the regulations imposed for the comfort and convenience of passengers by the Board of Health; and said Board is required to compel such companies to keep, while en route, the front doors of their cars constantly closed in cold and stormy weather; that clean straw be provided for the floor of every car, in

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quantity and at seasons as the Board may direct, and that a proper system of ventilation, to be approved by said Board, be provided for every passenger car.

March 23, p. 74.

Recites that numerous accidents have occurred on the New York Elevated Railroad, occasioned in every instance by insufficient safeguards at the stations, to prevent passengers from attempting to enter or leave the cars while in motion at such stations; and

Requests the Mayor to cause an inspection of the stations to be made by the Commissioner of Public Works, or the Engineers in his Department, and such necessary safeguards to be provided by said railroad company as he or they may direct, and to be such as will prevent the possibility of a recurrence of such accidents.

May 18, p. 134.

Requests the Commissioner of Public Works to direct the New York Elevated Railroad Company to place and light proper lamps on the columns of its road, which have been or will be erected in the roadway of Ninth Avenue, at the intersection of the several cross streets.

June 4, p. 154.

Establishes a ferry to run from the bulkhead at the foot of Whitehall street, to the foot of 65th street, Bay Ridge, town of New Utrecht, Long Island, the franchise to be sold at public auction to the highest bidder.

June 11, p. 166.

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Permits the Grand and Forty-second Street Railroad Company to place a starter's booth on the sidewalk in front of No. 620 Grand street, at its own expense, under the direction of the Commissioner of Public Works; this permission to continue only during the pleasure of the Common Council.

July 11, p. 209.

Gives permission to the Third Avenue Railroad Company and the Fordham and Harlem Bridge Railroad Company to employ steam as a motive power, for the traction of their cars, not to exceed five each in number, as an experiment, which shall be tried under the direction and supervision of a special committee of five members of this Board, to be appointed by the chair, who shall designate the times and places when such experiments shall be tried; said committee to report to the Board as soon as practicable the results of the experiments made, with such suggestions or recommendations as they may find necessary to enable the Common Council to arrive at a conclusion as to the practicability of a permanent use of steam on said railroad, or that they may deem of interest to the public.

All cars so used experimentally on said railroad shall contain a certain number of separated seats, and when all are occupied, said cars shall not stop or take up any passenger until one or more seats shall be vacated. When all the seats are occupied, a placard shall be placed in a conspicuous position on the outside of the car, inscribed with the word "full." When vacancies occur, it shall be taken down by the conductor.

The foregoing rights and privileges shall con-

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tinue only during the pleasure of the Common Council.

September 3, p. 235.

Directs the Commissioners of the Sinking Fund, in advertising the sale of the franchise for a ferry between Harlem and Peck Slip, and from Mott Haven to Fulton Market Slip, to stipulate for a landing at or near the foot of 84th street, East river, by the boats used by both ferries, each way, as often as public convenience may require, but not less than once every hour, between 7 and 9 A.M. and 3 and 7 P.M.; and not to execute any lease for either of said ferries unless said stipulation is included in such lease.

September 19, p. 250.

Establishes a ferry to run from Peck Slip to the foot of 130th street, at Third avenue, Harlem, with an intermediate landing at or near 84th street, East river, the franchise to be sold at public auction to the highest bidder.

September 19, p. 250.

Establishes a ferry to run from Fulton Market slip to Mott Haven, with an intermediate landing at or near 84th street, East river, the franchise to be sold at public auction to the highest bidder.

October 9, p. 269.

Directs the Commissioner of Public Works to prevent any telegraph company from erecting any

telegraph pole in any street etc. in the city, 1877—XLV
within ten feet of any public lamp-post.

December 24, p. 363.

Permits the Gold and Stock Telegraph Company to place telegraph instruments in the New Court House, and in the building occupied by the Marine Court, and in the Register's office, the same to occupy a space not to exceed that now occupied by the Law Telegraph Company on each of the floors in the hallway of the two first-named buildings, and in said Register's office, under the direction and supervision of the Commissioner of Public Works, provided said instruments and the wires connected therewith shall not obstruct or interfere with the regular business of the Courts, nor injure or deface the walls; rent to be the same as that paid by the Law Telegraph Company, to be placed to the credit of the General Fund, and this permission shall continue only during the pleasure of the proper authorities.

APPROVED IN 1878. VOL. 46.

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February 25, p. 37.

Recites that in the construction of the elevated railroads in Sixth avenue and other thoroughfares, the posts are being placed directly in the space formed by the intersection of the cross streets, presenting a dangerous and avoidable obstruction; and

Authorizes and directs the Commissioner of Public Works to compel the company or companies owning such posts to cause proper and ef-

1878—XLVI ficient lights to be displayed therefrom during the night time.

(See resolution of Sept. 23, 1878, p. 280.)

March 4, p. 52.

Establishes a ferry from a point between Pier 1 North River, and the pier foot of Grand street, East River, wherever a landing can be obtained, to the foot of 27th, 36th, or 38th street, in Gowanus Bay, Brooklyn, under such conditions as may be prescribed by the Commissioners of the Sinking Fund.

April 11, p. 101.

Permits Booth & Edgar to lay the necessary switches upon, across and connecting with track of the New York Central Railroad Company on West street, and to lay railroad tracks corresponding in width to the tracks of said company and connecting with said company's tracks and said switches on the southerly side of King street for the distance of one hundred and fifty feet near the curb, and to run cars on said switches and track, provided the consent of said company be obtained; the work to be done at their own expense, under the direction of the Commissioner of Public Works; this permission to continue only during the pleasure of the Common Council.

April 12, p. 102.

Permits the railroad companies whose lines terminate in the Port of New York to use dummy engines &c.

Amended April 18, p. 125 (next below).

April 18, p. 125.

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Amends resolutions adopted April 2, 1878 (see next above) so that,—

Permission is granted to the several railroad companies whose lines terminate at this port to draw or cause to be drawn their freight cars, by dummy engines furnished by said railroads, or the Central Park, North and East River Railroad Company, as may be agreed upon, between 7 o'clock evening and 4½ o'clock morning, between April 15th and September 15th, and between 6 o'clock evening and 5½ o'clock morning, between September 15th and April 15th in each year, over the tracks used by the said Central Park, North and East River Railroad Company on West street, and from West street to and on the East River side of the city as far as Grand street, with the consent of said company, and also to lay down railroad tracks to and upon any of the bulkheads and piers and into warehouses on the North and East Rivers to connect with any railroad tracks now laid on West street, and also with any railroad tracks from West street to Grand street, on or near the East River, used by said Central Park etc. Railroad Company, with the necessary branches, switches and turn-outs, and to run their freight cars thereon, provided the consent of the owners, etc. of said bulkheads, piers and warehouses for the construction of said branches etc. be first obtained. Every railroad company which shall avail itself of this permission shall limit the number of loaded cars to be drawn by a dummy engine at any one time to ten, and the speed of said engine to six miles an hour, and shall pay to the City an annual license fee of fifty dollars for each dummy engine run by said company. None of said cars shall be permitted to stand on said railroad tracks, nor shall they be loaded or unloaded except on said bulkheads and piers or in said warehouses.

Provided, that said Central Park etc. Railroad

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Company shall extend equal privileges to said first-mentioned companies in the use of its track.

This permission shall continue during the pleasure of the Common Council.

April 25, p. 136.

Permits the American Express Company to lay necessary switches and turn-outs to connect with the tracks of the New York and Harlem Railroad (city line), in front of and into premises 22, 24 and 26 Fourth avenue, and to run freight cars upon said switch etc., upon obtaining the consent of the railroad company to make such connection, provided that said turn-outs etc. be so laid as to interfere as little as possible with the uses of the carriageway and sidewalks of said avenue, said work to be done at the expense of said express company, under the direction and supervision of the Commissioner of Public Works. Nothing herein shall be deemed to authorize or permit said freight cars to stand on said switches or turn-outs. This permission to continue only during the pleasure of the Common Council.

June 3, p. 179.

Directs the Commissioner of Public Works to notify the several elevated railway companies to replace the pavements in the several streets and avenues, (displaced in the erection of the foundations for their columns) to the regular grade of such streets etc., in as good condition as previous to the erection of such foundations, and to the satisfaction of said Commissioner; and in the event of refusal on the part on such companies, or either of them, to comply with the directions so to be given, for longer than thirty days, then said Commissioner is to replace such pavements, and restore the surface of such streets etc. as nearly

as possible to their condition previous to the erection of such foundations, and to sue for and recover from such railway company or companies the full cost of the work. 1878—XLVI

July 3, p. 197.

Permits Manhattan Beach Railway Company to place small sign and post, corner 23rd street and Avenue A, on the outer edge of the curb-stone, at its own expense; the permission to continue only during the pleasure of the Common Council.

July 8, p. 199.

Permits the Dry Dock, East Broadway and Battery Railroad Company to put street-washer on sidewalk near curb, thirty feet north of 23d street, west side, for watering horses, the company paying usual rate for water used, the work to be done at its own expense; the permission to continue only during the pleasure of the Common Council.

July 18, p. 205.

Permits same company to place street-washer opposite 189 East Broadway, corner of Jefferson street. Same terms as above.

July 18, p. 210.

Like permission to same company for No. 82 Cortland street, corner of West. Same terms.

August 9, p. 248.

Like permission to same company for No. 193 East Broadway, corner Jefferson street. Same terms.

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September 11, p. 271.

Permits the Morrisania Steamboat Company to run hacks or accommodation coaches between their landing place at Mott Haven, in the 23d Ward, and Tremont in the 24th Ward, for the purpose of conveying passengers to and from their homes, as a convenience and means of quick transit, to and from the lower part of the City, upon said company complying with the requirements of the ordinances relating to licenses for hackney coaches.

October 14, p. 337.

Permits the 42nd street, Manhattanville and St. Nicholas Avenue Railway Company to alter or change its route from its present authorized route in 42nd street at Tenth avenue, so that its double tracks shall be continued from its present authorized route in 42nd street at Tenth avenue, along said street, and to and through the tunnel, when completed, so that one of the termini of said railway shall be at the East river, provided that no additional fare than that allowed by the original grant be charged in consequence of said change of route. In consideration of this permission, said Company shall annually, on the 1st day of November of each year, pay into the City Treasury three per cent. of the gross receipts of said road; and the amount of said gross receipts shall be determined by the sworn statement of the president and treasurer of said company, subject to the inspection of the books of the Company by the Comptroller of the City. And said Railway Company shall, at its own expense, repair and keep the pavement within and between its tracks in good order.

December 11, page 407.

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Resolution that the following ordinance, entitled
“An Ordinance to Regulate the Laying of Subterranean Telegraph Wires and Electric Conductors in the Streets of the City,” be adopted :

I. No telegraph line or electric conductor shall be laid under the streets of this city at such depth from the surface that the necessary excavation incident to laying or repairing the same shall expose or endanger any water or gas pipes, sewers or drains, or any parts thereof.

II. Such wires or conductors shall in no case be placed at a greater distance from the curb stone separating sidewalks from carriageway than four feet, except in crossing streets running transverse to the direction of said lines, when such crossing shall be made in the shortest straight line, or in making necessary connections for buildings and stations.

III. The method employed in laying said conductors shall be such that it will at no time be necessary to remove so much of the pavement or to make such excavation as to materially impede traffic or passage upon sidewalk or street during operation of laying or repairing said conductors, except when in crossing streets transversely, where it shall be permitted to remove the paving stone, for a width not exceeding two feet, and in the nearest straight line from corner to corner. In no case during the general hours of passage and traffic shall passage be interrupted thereby for a longer period than one hour.

IV. The work of removal and replacement of the pavements in any and all streets etc., in and through which the wires of any telegraph company shall be laid, shall be subject to the control and supervision of the Commissioner of Public Works.

Excavations in any and all of the unpaved streets, etc., shall also be subject to like control and supervision.

V. The space selected for placing said wires, in every case being limited as to direction and general position by the foregoing provisions, shall not exceed two feet in width by two feet in depth.

VI. Grantees under this Ordinance shall be required, within six months after such permission shall be granted, to file with the County Clerk maps, diagrams, and tabular statements indicating the amount and position of the spaces proposed to be occupied by them, and their rights and privileges under this Ordinance shall be confined to the spaces, positions, and localities as indicated by said maps, etc.

VII. Whenever routes of several wires shall be laid, by and under the provisions of this Ordinance, one wire in each route shall be reserved for the use of the police or fire alarm telegraphs, and the use of same shall be donated to the city and county of New York by the parties laying such lines or wires free of any price or charge therefor.

VIII. Ordinance takes immediate effect.

Permission is granted to Albert W. Harris, M. Ralph Tynan, Wm. H. Heiss, Cornelius V. Sidell, Philip J. Kiernan, W. Clifford Harris, and Wm. H. Heiss, Jr., to lay wires for conducting electricity in and through the streets and highways of the city, in accordance with the provisions of an Ordinance entitled an "Ordinance to regulate the laying of subterranean telegraph wires and electric conductors in the streets of the city."

See pages 453 and 460, Proceedings this year, and page 569, Proceedings of 1883.

December 11, page 411.

Gives permission to Francis B. Spinola and his associates, subject to such terms, limitations, restrictions, and conditions, as may be fixed by the Commissioners of the Sinking Fund, to lay mains and pipes within the lines of the streets, avenues, and public places in this city, with such connections as may be necessary for the purpose of supplying steam under "The Holly Combination System," to the city and its inhabitants for heating, cooking, and all other domestic purposes, as well as for any and all uses for which steam can be employed.

December 27, page 444.

Recites, That the Legislature, by an act passed June 24, 1873, entitled "An Act to authorize the laying of rails, and to run cars thereon for the transportation of passengers in certain streets and avenues in the upper part of the City of New York," authorized and empowered certain persons named therein and their assigns to lay, construct, operate, maintain and use railways with a double or single track in said city, and to carry passengers thereon for compensation through, upon and along certain streets of the city, (specifying and naming such streets);—

The provisions of Article 3, Section 18, of the Constitution, relative to obtaining the consent of the owners of property bounded on, and of local authorities having control of the streets, etc., on which it is proposed to construct, etc., a street railroad, or of the General Term of the Supreme Court;—

Certain provisions of the act of the legislature of March 29, 1876, amending the General Railroad Act of 1850, relative to the altering or changing of the route or any part of the route of a railroad;—

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That certain parties have associated themselves together, under the name of the "Forty-second Street, Manhattanville, and St. Nicholas Railroad Company", and have organized under the General Railroad Act of 1850, and the several amendments thereto, for the purpose of building and operating the roads, as granted by said act of June 24, 1873; and

That said Railway Company have complied with the law as passed March 29, 1876, by the directors passing, by a unanimous vote, a resolution changing their route from Tenth Avenue to the Boulevard, Broadway and Seventh Avenue, and also complied with article 3, section 18 of the Constitution in obtaining the consent of a majority in value of the property fronting on said Boulevard, Broadway and Seventh Avenue, of which consent and petition a copy is attached;—

And grants permission to the Forty-second Street, Manhattanville, and St. Nicholas Avenue Railway Company to alter or change its route, so as to commence at the authorized tracks of said company, on Manhattan Street, at the Boulevard; thence, with double tracks, through and along the Boulevard, Broadway and Seventh Avenue, to connect with the tracks of said company proposed to be laid in Forty-second Street; provided, that one of the tracks on the Boulevard be laid to the east, and the other to the west side of the Boulevard Parks, in the center of said Boulevard, and as near to said Boulevard Parks as practicable; provided further, that no additional fare than that allowed by the original grant be charged in consequence of said alteration or change of route. And in consideration of the permission granted, said company shall annually, on the first day of November of each year, pay into the treasury of the city three per cent. of the gross receipts of said road, and the amount of said gross receipts shall be determined by the sworn statement of the presi-

dent and treasurer of said company, subject to ^{1878—XLVI} the inspection of the books of said company by the Comptroller of the city. And said Railway Company shall, at their own expense, repair and keep in order the space within and between and a space two feet wide outside their tracks, and of such material as the roadway of the streets, avenues, and Boulevards through which their rails are laid, on the paved streets, and within their tracks on the Boulevard. The permission given shall be upon the further conditions, that the road shall be built and equipped within one year from the approval of this resolution by the Mayor, unless prevented by legal proceedings, in which case the delay caused by such legal proceedings shall be deducted from said one year, or forfeit the permission hereby given; new and first-class city railroad cars to be used, to be run as often as public convenience may require, subject, in this respect, to the orders of the Common Council; the rails to be what is known as the flat grooved rail.

December 30, page 453.

Amends section 7 of the foregoing Ordinance regulating the laying of subterranean telegraph wires, etc., approved December 14, [should be 11,] 1878, (Proceedings 1878, p. 407) so that as amended it shall read as follows:

VII. Resolved, that whenever routes of several wires shall be laid, by and under the provision of this ordinance, that one wire in each route shall be reserved for the use of the police and one for the fire alarm telegraph, and the use of the same shall be donated to the City and County of New York by the parties laying such lines or wires free of any price or charge therefor.

1878—XLVI *December 31, page 460.*

Amends the foregoing resolution of December 14, [11] 1878, (Proceedings 1878, p. 409), granting permission to Harris, Tynan and others to lay wires for conducting electricity in and through the streets of the city by inserting after the name of Heiss, Jr., the words "their heirs and assigns" so that resolution as amended shall read:

Resolved, that permission be and hereby is granted to Albert W. Harris, M. Ralph Tynan, William H. Heiss, Cornelius V. Sidell, Philip J. Kiernan, W. Clifford Harris, and William H. Heiss, Jr., their heirs and assigns, to lay wires for conducting electricity in and through the streets and highways of New York City, in accordance with the provisions of an ordinance entitled, an "Ordinance to regulate the laying of subterranean telegraph wires and electric conductors in the streets of the city."

December 31, page 469.

Authorizes and directs the Commissioner of Public Works to remove the water-box and pipe on the side walk on the south side of 42d Street, east of 4th Avenue, in front of the Grand Union Hotel, used for watering the horses of the railroad companies having a terminus at the junction of 4th Avenue and 42d Street, and place them on the north side of said street, beneath the steps leading to the depot of the Elevated Railroad.

December 31, page 474.

Recites, That the Harlem Bridge, Morrisania and Fordham Railway Company, by resolution of their Board of Directors, and by consent of one-

half in value of property-owners on the line of the extension, as required by law, have taken proceedings for the extension of the tracks of their road, from the present southerly terminus thereof, to, along, and upon the Harlem Bridge and Third Avenue to 129th Street;—

That the completion of the Elevated Railroad on Third Avenue to that point makes it desirable that the application of the first-named road for authority to extend its road should be granted, and that the facilities to be offered for rapid transit over the Elevated Road should be enjoyed by the people of the 23rd and 24th wards; and

Grants permission to said Railway Company to extend its tracks to, upon, and across the Harlem Bridge, and on and along Third Avenue to a point at or near 129th Street, and to operate said road so extended, and to run cars thereon, with such switches, turnouts, and tables as may be necessary, provided that said company shall run cars from said terminus until 1 A. M., and shall not charge any increased fares by reason of such extension; provided that said bridge be put into good repair after the laying of said tracks at the expense of said company, and that said company keep said bridge in good repair between the tracks; and that this permission shall continue only during the pleasure of the Common Council.

December 31, p. 475.

Directs the Commissioner of Public Works to notify the New York Elevated Railroad Company to remove the stairways in course of construction for the stations of their road on Houston Street, corner of the Bowery, from their present location and construct them in the Bowery; also at Ninth Street and Third Avenue, remove the stairways on both corners from their present location and construct them on Third Avenue, as the same in their present position leaves a space from the stoop line less than two feet wide for the use of pedestrians.

February 1, p. 4.

Gives permission to the Second Avenue Railroad Company to experiment with improved motors on any portion of the line of its road, for a period of five days from the adoption of the resolution.

March 27, p. 42.

Authorizes the American Street Light Reflector Company, under the direction of the Commissioner of Public Works, to affix their reflectors on the street lights on Fifth Avenue, between 29th and 37th streets; also 30th street, from Fourth to Sixth Avenue; provided that such work shall be done solely at their own expense, and without charge to the city.

April 7, p. 51.

Establishes a ferry from the slip or basin between Pier 61, at the foot of 7th street, and Pier 62, at the foot of 8th street, East River, New York, to near the foot of Borden Avenue, Long Island City, and authorizes and directs the Commissioners of the Sinking Fund to sell at public auction to the highest responsible bidder or bidders the right to operate the ferry so established, on such terms and conditions and subject to such restrictions and regulations as may be prescribed by said Commissioners.

April 7, p. 53.

Directs the Commissioner of Public Works to compel the Dry Dock, East Broadway and Battery

Railroad Company, or other company owning rails ^{1879—XLVII} in East Broadway, to cause the pavements between their rails in East Broadway, and other streets, to be repaired and put in good order, fit for public travel, without any unnecessary delay.

April 29, p. 80.

Annuls, rescinds and repeals the resolution which became adopted December 31, 1878, directing the Commissioner of Public Works to compel the New York Elevated Railroad Company to remove the stairways to the depots at Houston street and 9th street to the Bowery and 3rd Avenue, to take effect when the owners of property interested shall have complied with the propositions contained in their petitions for the repeal of said resolution, and shall have widened the sidewalks in Houston street and 9th street, as proposed.

May 21, p. 107.

Gives permission to E. H. Angamar to run the street car "Motor Lillie" on the line of such railroad lines of this city as may permit him to do so, as an experiment, the same to be tried under the supervision of and regulations to be prescribed by the Committee on Railroads of the Board of Aldermen; further permits the different railroad lines of the city to grant to said Angamar such permission, if they so see fit, and for that purpose to employ steam as a motive power for the traction of their cars by such street-car known as the "Motor Lillie", as an experiment, which shall be tried under the direction and supervision of the said Committee on Railroads, who shall designate the times and places when such experiments shall be tried; and said Committee is required to report to

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this Board, as soon as practicable, the results of such experiments so to be made, together with such suggestions or recommendations as they may find necessary to enable the Common Council to arrive at a conclusion as to the practicability of a permanent use of like cars on said railroads, or that they may deem of interest to the public. The permission to continue only during the pleasure of the Common Council.

See November 21, 1882, Proceedings
1882, p. 648.

June 5, p. 120.

Establishes a ferry from a point on the North River, at or between the foot of 129th and 132d streets, New York, to Fort Lee, Bergen County, New Jersey, and authorizes and directs the Commissioners of the Sinking Fund to sell at public auction, to the highest responsible bidder or bidders, the right to operate such ferry, on such terms and conditions, and subject to such restrictions and regulations as may be prescribed by said Commissioners.

June 9, p. 135.

Permits the Manhattan Beach Railroad Company to place and retain sign, not more than three by six feet, on post on the outer edge of curb-stone on the southeast corner of Avenue A and Twenty-third street; permission to continue only during the pleasure of the Common Council.

June 17, p. 145.

Directs and requires the Gold and Stock Telegraph Company to remove the telegraph pole belonging to it now in front of the premises of R.

Dunlap & Company, No. 191 Seventh avenue, to ^{1879—XLVII} some point distant not less than 20 feet from its present location, and authorizes and directs the Commissioner of Public Works to cause the provisions of the resolution to be carried into effect.

July 7, p. 177.

Directs the Commissioner of Public Works to take whatever steps may be necessary to compel the Hudson River Railroad Company to properly repave Hudson street, between North Moore and Duane streets, as said company, after removing their tracks, paved the street with cobble-stone pavement instead of Belgian, in an unskillful manner, without regard to the grade or appearance of the street.

July 7, page 185.

Recites that a reprehensible practice has prevailed among the city railroad companies of changing the grades of the streets in repairing the pavement in and about their tracks, and cites the case of the Belt Railroad Company changing the grade of West street between Canal and Liberty streets as a case in point;—and

Directs the Commissioner of Public Works to notify the officers of the Belt Railroad to restore the grade of West street (wherever altered by said company) to the grade established by law; and in the event of any neglect or refusal on the part of the said company to comply with such notification for a period of twenty days, then said Commissioner is authorized and directed to regrade said street to the proper legal grade, and to relay the railroad tracks, provided the expense of the work be paid by said company, and in the

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event of a refusal or neglect to pay for said re-grading and laying of tracks, that he remove the said railroad tracks and dispose of the material to repay the cost of the work, if sufficient, and if not, to sue for the balance of the sum so expended.

July 8, page 191.

Permits the Dry Dock, East Broadway, and Battery Railroad Company to erect a shed, not exceeding 15 by 25 feet, on four posts, on the open space known as the Tweed Plaza, formed by the junction of Canal street, East Broadway and Rutgers street, to be used as a resting place for the horses of the company during the summer months only, the work to be done at their own expense.

November 10, page 321.

Requests the Department of Public Parks and, so far as this Board has the power, directs it to refuse consent to the erection of any more buildings or other incumbrances upon the Battery Park by either of the Elevated Railway Companies;—and

Directs said Elevated Railway companies to construct their tracks only upon, in, and through the streets laid down and designated therefor by the Common Council, by the proceedings had and taken and resolutions passed September 6, 1875.

See proceedings of 1875, page 324.

December 31, page 377.

Grants permission to the Chambers Street Crosstown Railroad Company (a company organized

under the General Railroad Law of April 2d, 1850, ^{1879—XLVII} and the several amendments thereto,) to construct, maintain, operate, and use a railroad for passengers or freight, with single or double track of iron or steel rail, with turnouts, sidings, switches, and other necessary appurtenances for the operating a horse railroad, commencing at the foot of Roosevelt street, thence, with double tracks, through, upon, and along South street, James Slip, and New Chambers street to and across Chatham street to Chambers street; thence, with single track, along Chambers street, West street and Duane street, to connect with the double tracks at Chatham street and New Chambers street. Also from their tracks at Roosevelt street and South street, along Roosevelt street with a single track to connect with double tracks at New Chambers street.

Provided, that not more than five cents shall be charged for any one passenger; and also, that said Railroad Company shall, at their own expense, keep in repair and good order the space within and between their tracks.

And, in consideration of the permission hereby granted, said company shall annually, on the 1st day of November of each year, pay into the City Treasury five per cent. of the gross receipts of said road, and the amount of said gross receipts shall be determined by the sworn statement of the President and Treasurer of the company, subject to the inspection of the books of the company by the Comptroller of the City.

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March 15, p. 53.

Gives permission to the Pneumatic Tramway Engine Company to run one of its cars, as an experiment, over the lines of the Second Avenue

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Railroad Company (if said Second Avenue Railroad Company permits them to do so), or over any other company's lines in this city from whom it can obtain permission.

Permits the Second Avenue Railroad Company and the other railroad lines in this city to grant the Pneumatic Tramway Engine Company such permission if they see fit; such permission to continue only for three months from the beginning of experiment.

March 16, p. 64.

Grants to the United States Heating and Power Company, a corporation existing and duly organized under the laws of the State, their heirs, successors, and assigns, the right to lay mains and pipes in the streets, avenues, alleys, lanes, and public places in this city, with such connections as may be required for the purpose of conveying hot water and steam, to supply to the city and its inhabitants heat and power for all domestic and other purposes for which hot water or steam may or can be used, under the following conditions, viz.:

The company shall, in advance of opening the streets, furnish to the Department of Public Works an accurate map of the work proposed to be done, with the intended position of the mains and pipes, and give a bond to the city, to be approved by the Comptroller in the sum of fifty thousand dollars, to protect the city against any accident that may occur under the permission hereby conferred, as well as to replace the pavement in any of the streets, avenues, or places where such mains or pipes may be laid.

The Department of Public Works shall have the right to change the positions of such mains and pipes whenever they interfere with free access to

the sewers, mains, and pipes belonging to the city, ^{1880—XLVIII} and should any changes be hereafter made in the mains, etc., belonging to the city, by which a necessity should arise for changing the position of the mains and pipes of said company, such change shall be made without expense to the city.

The company shall furnish such heat and power as may be required for streets and public buildings, at prices to be fixed by the Board of Estimate and Apportionment.

The number and position of the hydrants shall be determined by the Department of Public Works.

An annual report under oath shall be made by the Secretary of the Company to the Board of Estimate and Apportionment, which shall have the power, after receipt of such report, if in its judgment shall be just, to impose a tax of three cents per lineal foot on the mains laid by the company, and two per cent. of the net profits of the company for the year for which such report has been made.

The right to lay mains and pipes in this city shall cease and determine in three years from this date, unless the company shall have then laid and opened for public use two miles of mains, unless prevented by legal proceedings.

Under and subject to the foregoing conditions, the United States Heating and Power Company shall and is hereby granted the right to lay mains and pipes in the streets, avenues, alleys, lanes, and public places within the limits of this city.

Amended April 6th, 1881.

March 24, page 77.

Recites, that in the construction of the elevated railroads in the Second, Third, Sixth and other avenues and streets of this city, some of the posts

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are so placed as to be directly in or near the centre of the space formed by the intersecting streets and avenues, rendering travel in the night time extremely dangerous, from the liability of vehicles to collide with said posts;—and that the dropping of oil, scraps of iron, etc., or other liquid or solid substances from the elevated railways into the streets and avenues, beneath, is a source of much annoyance, damage and even positive danger to the persons and property of large numbers of our citizens;—

Therefore it is ordained as follows:

SEC. 1. There shall be placed or suspended and lighted, on or from every elevated railroad post, column, or pillar standing in or near the intersection of every street or avenue, on the outer side of such post, column or pillar facing the street or avenue which intersects the street or avenue through which such elevated railroad is constructed, a gas-light inclosed in a glass globe, or lamp of such pattern and construction as shall be approved by the Commissioner of Public Works, the work to be done and the gas used for the purpose of lighting said lamps to be furnished at the expense of the elevated railroad company aforesaid; said gas to be kept burning during the same hours as the ordinary street-lamps. Every failure to comply with the provisions of this section of this ordinance, on the part of the president, superintendent, directors, or other officers of every such railroad company, shall be deemed a misdemeanor, and shall be punished, on conviction before any of the Police Magistrates of this city, by a fine not exceeding ten dollars for each offense, or in default of payment of such fine, by imprisonment not exceeding ten days.

SEC. 2. It shall not be lawful to permit any oil, etc., or other liquid or solid substances, to fall or be dropped or thrown from any engine, car, track,

depot, or other part or portion of the elevated rail-^{1880--XLVIII} roads, into or upon any street, avenue, or public place in this city; and every person offending against the above provisions of this section, and the president, superintendent, directors, or other officers of every such railroad company who shall permit or allow any of the employees, agents, or servants of any such railroad company to violate any of said provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof before any Police Justice of this City, shall pay a fine not exceeding ten dollars for each offense, or in default of payment of said fine, shall be punished by imprisonment not exceeding ten days.

SEC. 3. The commissioners of Police are specially instructed to carry into effect and rigidly enforce the provisions of this ordinance.

SEC. 4. Repeals all ordinances or parts of ordinances inconsistent or conflicting with the provisions of this ordinance.

SEC. 5. Section 1 of this ordinance shall take effect on July 1st, 1880, and Section 2, immediately.

June 8, page 137.

Establishes a ferry from Hunter's Point, Long Island, to a point at or near Pavonia Avenue, Jersey City, with the right to make intermediate landings at Jewell's Wharf, Brooklyn, and at any point on the East River, New York, along the space bounded by Fulton Ferry and Old Slip (and at Communipaw Avenue, Jersey City,) and the Commissioners of the Sinking Fund are authorized and directed to sell at public auction, to the highest responsible bidder or bidders, the right to

1880—XLVIII operate the ferry so established, on such terms and conditions and subject to such restrictions and regulations as may be prescribed by said Commissioners.

August 2, page 179.

Directs the Commissioner of Public Works to cause the railroad companies occupying the roadway in Park Row, between Spruce and Beekman Streets, to raise the carriage way and relay their rails on the established grade of the street.

See resolution of December 6th, 1880, Proceedings page 347.

September 7, page 204.

Authorizes and empowers the "Prall New York Heating Company" to lay pipes within the lines of the streets and avenues of the city, for conveying hot water or steam for the purpose of supplying heat and power to the inhabitants of the city, under the following terms, conditions, and restrictions, viz.:

1. Said company shall pay to the city the entire cost of restoring any street (filling in any excavation that shall be made, ramming down the earth so filled in, and carting away the surplus earth) and replacing any pavement or sidewalk which shall have been disturbed by or for the purposes of said company, and said restoring and replacing shall be done by the Department of Public Works; and in all cases where the pavements or sidewalks are to be so disturbed a permit therefor shall be obtained from the Commissioner of Public Works. Before taking out any such permit said company shall deposit with the City Chamberlain a sum of money sufficient, in the opinion of said Commis-

sioner, to defray the entire cost of restoring the street, and replacing the pavement or sidewalk so disturbed, and maintaining it in good order and condition for the period of one year; and the certificate of said Commissioner as to such estimated cost shall be final and conclusive, and the cost as thus certified shall be paid by the company, as above provided, before commencing the work. ^{1880-XLVIII}

2. The mains and service-pipes shall be laid under such regulations, conditions and restrictions as the Commissioner of Public Works may from time to time establish, and under such part of the roadway or sidewalk as he may prescribe; and in laying said pipes the company shall not disturb or interfere with any sewers, water-pipes, gas-pipes or other pipes without first obtaining the consent of said Commissioner. And the decision of said Commissioner shall be final and conclusive as to any disturbance or interference with said pipes, and said company shall pay the entire cost of any disturbance or interference with said pipes which shall have been authorized by said Commissioner, and shall be liable for any damage or injury which may result to any sewer or pipe from any work done by or for said company. And said company shall, if so required to do by said Commissioner, give a bond with sureties to be approved by the Comptroller, to secure the city against any claim for damage or injury which may result to any sewer, etc. in consequence of any disturbance or interference by said company, which may have been authorized by said Commissioner, and should said Company be enjoined or interfered with by the courts, as to any disturbance or interference with any sewer, etc., which may have been authorized by said Commissioner, the city shall not be liable to said company for any delay or injury resulting to said company from such interference or legal proceedings.

3. The Commissioner of Public Works may at any time revoke any permit in so far as any work authorized by it may not have been completed, if the regulations, conditions and restrictions prescribed for the work shall not have been fully complied with, and said commissioner may require said company to make any work already done conform to such regulations, etc.

4. Said Commissioner may at any time refuse to grant new permits until all the conditions and requirements imposed upon the company shall have been fully complied with.

5. If at any time said Commissioner shall direct any changes to be made in the location or arrangement of any of said pipes for the purpose of laying, altering or removing any sewer or water pipes, or doing any other public work, such changes shall be made by said company at their own expense, under the direction of said Commissioner.

6. The pipes of said company shall be maintained in such good order and condition as shall prevent the escape of water or steam, and in case of any defect in said pipes, such defect shall be forthwith repaired by the company.

7. If said company shall neglect or refuse to do any work herein provided to be done by it, or to maintain its pipes in good order and condition, the Commissioner of Public Works may cause such work to be done, and the expense and cost thereof shall be paid to the city by the company.

8. In case the laying of any of the pipes of said company shall interfere with any vaults or other private property, the consent of the owners thereof shall be obtained by the company before laying their pipes, or doing any work in or through such vaults or private property.

9. Whenever, at any time, any permit shall be ^{1890—XLVIII :} granted to open the streets, pavements, or sidewalks, for the purpose of laying mains of the company, a sum equal to twenty cents per lineal foot of trench to be opened under such permit shall be paid to the city by the company ; and whenever a permit is obtained to open the streets, etc., for laying service-pipes, or for repairs, a sum equal to five cents per lineal foot of trench shall be paid to the city by the company.

10. Said company shall annually pay into the City Treasury three per centum of the gross receipts of the company during the year for conveying, furnishing or supplying hot water, steam, heat or power for any purpose or to any person or corporation in said city.

11. Said company shall furnish all the hot water and steam required by the city for any purpose in the streets and avenues or parts thereof in which the pipes of the company shall be laid, or for use in any building now or hereafter located thereon, which shall be occupied for city or State purposes, at the actual cost to said company of supplying such hot water or steam, and ten per centum advance on the actual cost of supplying the same, but in no case more than is charged to the most favored customers. And said Company shall not be required to pay a tax on the receipts resulting from the supplying of hot water or steam by said company to buildings which shall be occupied for city or State purposes. And said company shall authorize the city to use, for public purposes, without royalty, any of their patented appliances or apparatus for the use of the steam or hot water supplied by the company which said company shall authorize or license any person to use. The city shall not be chargeable for any water or steam so furnished unless the same shall have been supplied

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on the written order of a duly authorized officer or board, specifying the period of time during which the same is to be furnished.

12. Any power or duty herein prescribed to be possessed, or exercised by, or imposed upon any officer or department of the city government, or the Common Council, shall be possessed and exercised by such other officer, department, board, or other city authority as may by law from time to time be vested with the same power or duty, or have authority or jurisdiction in relation thereto.

13. Said company shall pay to the city all damages, costs, or charges for which the city may be held liable by reason of any injury or damage which may result from the laying or use of said pipes, but in no case shall the city be liable for any injury or damage to the pipes, connections, or fixtures laid or maintained by said company.

14. Said company, before laying any pipes in any street or avenue, shall give a bond to the city in the penal sum of \$50,000, with sureties to be approved by the Comptroller, that said company will fully comply with all the terms, conditions, limitations, and restrictions herein contained; and the Comptroller may from time to time require other or additional sureties, to be approved by him, to be furnished by said company, and from time to time may require bonds in such further amounts, and with sureties to be approved by him, as he may deem requisite fully to secure, without recourse to the aforesaid bonds in the sum of \$50,000, the payment of any claims existing at the time when such additional bond is required, either on the part of the city against said company, or on the part of any person or corporation against the city, for damages arising from the laying or use of

the said pipes of said company, or from any act, ^{1880—XLVIII} omission or neglect of said company, its agents or employees.

15. Said company shall be restricted to a district of not more than one square mile for the putting down of their first plant, and the Commissioner of Public Works shall satisfy himself of the public utility and benefit of their system before granting permits to extend the work beyond the said area of one square mile.

16. If, within six years after the granting of this franchise, said company shall not have constructed the apparatus, and laid the pipes and mains necessary to supply the steam required by the houses and buildings on twenty-five miles of streets, then this grant shall cease and expire so far as any further extension of the system is concerned.

17. The term "city" as used in the foregoing conditions shall be construed to mean The Mayor, Aldermen and Commonalty of the City of New York.

October 11, page 243.

Establishes a ferry from a point at or near the intersection of 129th street and Second avenue, on the southerly side of Harlem River, to the opposite shore, at or near the present depot of the New Haven and Harlem Railway; and authorizes and directs the Commissioners of the Sinking Fund to sell at public auction, to the highest responsible bidder or bidders, the right to operate the ferry so established, on such terms and conditions, and subject to such restrictions in respect to rates of ferriage, time of running the boats, duration of the franchise, and all other regulations deemed of advantage to the public as may be prescribed by said Commissioners.

1880—XLVIII *November 29, page 338.*

Grants the petition of the New York Central and Hudson River Railroad Company for permission to construct vault under 59th street, between 11th and 12th avenues.

December 6, page 343.

An Ordinance to regulate the erection of telegraph-lines in the streets of the City of New York.

SECTION 1. It shall not be lawful to erect any telegraph-post in front of the entrance of any dwelling-house, nor within a distance of fifty feet from the nearest telegraph-post, nor near the corner of any street upon a line with any crosswalk, nor within ten feet of any public street lamp; and every telegraph-post now erected or hereafter to be erected within the corporate limits of the city shall be painted a light brown color for a distance of ten feet, measuring upward from the level of the sidewalk, excepting those having a fire-alarm box attached to them, which shall be painted a red color, and the remainder of every such telegraph-post, and the cross-pieces thereon shall be painted white. The name of the company, or other owner of every such post, shall be branded or painted thereon in a conspicuous place, within the distance of ten feet measured upward from the level of the sidewalk, and no sign, handbill, or advertisement of any kind shall be placed, pasted, or otherwise fastened on any such telegraph-post, without consent of owners of said posts, such consent to be granted only without compensation.

SEC. 2. Any person offending against any of the foregoing provisions of this ordinance shall be

deemed guilty of a misdemeanor, and on conviction thereof before any of the Police Magistrates or Justices of this city, shall be punished by a fine not exceeding ten dollars, or in default of the payment of such fine, by imprisonment not exceeding ten days.

SEC. 3. The Commissioner of Public Works and the Commissioners of the Police Department and Department of Public Parks are instructed to carry into effect the provisions of this ordinance.

SEC. 4. Ordinance takes effect January 1, 1881.

December 14, page 368.

The New York Steam Company, a corporation formed under the laws of this state (certificate of incorporation filed July 26, 1880,) its successors or assigns, shall have and is hereby granted the right to lay mains and pipes in any and all the streets, avenues, lanes, alleys, squares, highways, and public places in the city, with the necessary and proper laterals and service pipes thereto, for the purpose of supplying to the city and its inhabitants, for motive power, heating, cooking, or other useful applications, steam, water, air, and other fluids, at both high and low pressure, with necessary return pipes, and to make all necessary excavations in said streets, avenues, and other places aforesaid, for the purpose of laying such mains and pipes and of making all necessary additions, repairs, and alterations thereto, and of putting in place any manholes and vaults necessary to secure convenient access to parts requiring adjustment, subject, however, to the following regulations and conditions:

FIRST: The company, its successors or assigns, shall, in advance of opening streets, give a bond

1880—XLVIII to the city, to be approved by the Comptroller, in the sum of \$50,000, conditioned that the obligors, their legal representatives or assigns, will save the city harmless from all damages that may result from the use of said mains and pipes, and further conditioned that the obligors, etc., will properly replace the pavement in any of the streets, avenues, or other places aforesaid where such mains or pipes may be laid.

SECOND: In consideration of the rights hereby granted, said company, its successors or assigns, shall pay into the Sinking Fund, for the benefit of the city, the sum of three cents per lineal foot of streetway in which its mains are laid until such payments shall have amounted to \$100,000, after which such payments shall cease and terminate; such payments shall be made quarterly within ten days after the first day of January, April, July, and October, for the number of feet of streetway in which such mains shall have been laid during the quarter preceding such first day of January, April, July, and October, respectively.

THIRD: The company, its successors or assigns, shall furnish to the city such heat and power as may be required for public buildings, hydrants, and other ordinary and permanent public purposes, within the district supplied by its pipes, at reasonable prices, not exceeding those paid by its most favored customer.

FOURTH: After the filing and approval of the bond hereinbefore mentioned, and before opening any street, or portion thereof, said company, its successors or assigns, shall, from time to time, file with the Department of Public Works a map or maps of such streets or other public places aforesaid, or such portion or portions thereof as it may from time to time desire to enter, specifying therein one or more of such streets or places, or

one or more portions of one or more of them, and ^{1830—XLVIII} showing also the station or stations where it is proposed to generate or manufacture the fluids to be conveyed in the pipes to be laid therein, as well as approximately the number and size, including coverings of mains and laterals, it is proposed at that time to lay in the streets or places or portions thereof, aforesaid specified, with the location and sizes of the principal manholes and vaults. It being understood that the location of the laterals and other short or small pipes may be laid out on a map previously filed, instead of filing a special map in reference thereto. Upon the filing of such map or maps, as aforesaid, it is hereby made the duty of the Commissioner of Public Works to promptly locate such mains in the streets, places, or portions thereof specified, as aforesaid, in such manner as to be least expensive to the company, and where such mains will be accessible, and out of the way of floods, if possible, and where the foundations will not be liable to disturbance. When the sewers, water-mains, or other street pipes or obstructions controlled by the city, or in respect to which the city has the power of alteration or removal, obstruct the laying of the mains of this company, its successors etc., so as to prevent the laying of its mains and pipes at reasonable expense, or seriously to impair their efficiency, it is hereby made the duty of said Commissioner to rearrange such sewers, pipes, or other obstructions at the request and expense of this company, its successors etc., where the same can be done without serious detriment to the public interest.

Any location assigned to this company, its successors or assigns, by said Commissioner, as aforesaid, shall be reserved by said Commissioner for the company, its successors etc., a reasonable time not exceeding six months, to permit the preparation of the pipe and special connections.

Pipes shall be relocated by said Commissioner,

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and additional pipes located in any street, place or portion thereof where pipes have already been laid, or a location has been forfeited upon a new application by the company, its successors or assigns, similar in all respects to an original one, as above specified.

FIFTH: From time to time, as the work progresses, said company, its successors or assigns, shall file with the said Commissioner, tables showing accurately, by reference to street lines, the position of its mains and vaults, as actually put in position.

SIXTH: The work of said company, its successors or assigns, in the streets shall be done under reasonable regulations by the Commissioner of Public Works, as to the safety of the public and the times during which public travel may be interrupted in particular locations.

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APPROVED IN 1881. VOLUME 49.

March 3, page 9.

Establishes a ferry from the foot of Market street, New York, to the foot of Bridge street, Brooklyn, L. I., and authorizes and directs the Commissioners of the Sinking Fund to sell at public auction, to the highest responsible bidder or bidders, the right to operate such ferry, on such terms and conditions, and subject to such restrictions and regulations as may be prescribed by said Commissioners.

March 14, page 18.

Gives permission to the New York and Harlem Railroad Company to retain the wooden awning

covered with tin, over the entrance to their property, known as the Madison Square Garden, on Madison Avenue, between 26th and 27th streets, in accordance with the diagram accompanying and attached to this resolution; such permission to continue only during the pleasure of the Common Council.

March 23, page 25.

Amends section 279 of Article 29 of the Revised Ordinances of 1880, so that the same shall read as follows:

SECTION 279. There shall be placed or suspended and lighted, on or from every elevated railroad post, column or pillar standing in or near the intersection of every street or avenue, on the outer side of such post, column or pillar facing the street or avenue which intersects the street or avenue through which such elevated railroad is constructed, a gaslight, or a light produced by other suitable illuminating material, enclosed in a glass globe or lamp, which light and lamp shall be approved by the Commissioner of Public Works; the work to be done and the gas or other illuminating material used for the purpose of lighting the said lamps to be furnished at the expense of the elevated railroad company aforesaid; said lamps to be kept lighted during the same hours as the ordinary street-lamps. Every failure to comply with the provisions of this section of this ordinance on the part of the president, superintendent, directors, or other officers of every such railroad company, shall be deemed a misdemeanor, and shall be punished, on conviction before any of the police magistrates of this city, by a fine not exceeding ten dollars for each offense, or in default

1881—XLIX of payment of such fine, by imprisonment not exceeding ten days.

See resolution of April 19th, page 72, same volume.

April 6, page 47.

In accordance with the request in writing of the Trustees of the United States Heating and Power Company, dated April 4, 1881, the fifth condition of the franchise or grant to said company, to use the streets, etc., of the city for laying its pipes, conductors, etc., passed March 16, 1880, (Proceedings of 1880, page 64,) is amended so as to read as follows:

A report, under oath, shall be made by the secretary of the company, to the Comptroller, on or before the 17th day of March, each year, setting forth the quantity of mains laid during the preceding year, and the net profits of the company for the same time, and the company shall pay to the Comptroller, on or before the first day of May, in each year, three cents for each lineal foot for the mains laid, and two per cent. of the net profits for the year embraced in such report of the secretary.

April 19, page 72.

Amends section 279, Article XXIX., Chapter 8 of the Revised Ordinances of 1880, so that the same shall read as follows :

SECTION 279. There shall be placed or suspended and lighted, beneath each depot station of the several elevated railways in this city, two lights, of gas, or other illuminating material of not less power, inclosed in "boulevard lamps" or glass

globes, of such pattern and in such places under ^{1881—XLIX} said depots as shall be approved by the Commissioner of Public Works, and every such light shall be kept burning during the same hours as the ordinary street lamps. Every failure to comply with the provisions of this section on the part of the president, superintendent, directors, or other officers of every such railroad company shall be deemed a misdemeanor, and shall be punished, on conviction before any of the police magistrates of this city, by a fine not exceeding ten dollars for each offense, or in default of payment of such fine, by imprisonment not exceeding ten days.

SECTION 2. Annuls, rescinds and repeals all ordinances or parts of ordinances inconsistent or conflicting with the provisions of this ordinance.

SECTION 3. Ordinance takes effect immediately.

See resolution of March 23d, p. 25 same volume.

April 19, page 73.

Authorizes and empowers the Edison Electric Illuminating Company of New York to lay tubes, wires, conductors, and insulators, and to erect lamp-posts in the streets, avenues, parks, and public places in this city for the purpose of conveying, using, and supplying electricity or electrical currents for purposes of illumination. All excavations in streets, removals, and replacements of pavements or sidewalks to be done under and according to the direction of the Commissioner of Public Works, and under such further conditions as to security against damage to sewers, water-pipes, gas-pipes, or other pipes as may be prescribed by the Mayor, the Comptroller, and the Commissioner of Public Works, who are now by

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law authorized to make provision for lighting the streets of the city.

Whenever at any time any permit shall be granted to open the streets, pavements, or sidewalks for the purpose of laying the tubes, wires, conductors, and insulators of the company, a sum equal to one cent per lineal foot of streets occupied under such permit shall be paid to the city.

Nothing herein contained shall be deemed to authorize the laying of any mains or pipes for conveying gas, nor the erection of any lamps or lamp-posts to be used for illuminating by gas.

May 3, page 103.

Authorizes and empowers the United States Illuminating Company of New York to lay tubes, wires, conductors, and insulators, and to erect lamp-posts in the streets, avenues, parks, and public places in this city, for the purpose of conveying, using, and supplying electricity or electrical currents for the purposes of illumination, all excavations in streets, removals, and replacements of pavements or sidewalk to be done under and according to the directions of the Commissioner of Public Works, and under such further conditions as to security against damage to sewers, water-pipes, gas-pipes, or other pipes, as may be prescribed by the Mayor, the Comptroller, and the Commissioner of Public Works, who are now by law authorized to make provision for lighting the streets of the city.

Whenever at any time any permit shall be granted to open the streets, pavements, or sidewalks, for the purpose of laying the tubes, wires, conductors, and insulators of the company, a sum equal to one cent per lineal foot of streets occupied under such permit shall be paid to the city.

Nothing herein contained shall be deemed to

authorize the laying of any mains or pipes for conveying gas nor the erection of any lamps or lamp-posts to be used for illuminating by gas. 1881—XLIX

May 3, p. 105.

Authorizes and empowers the Brush Electric Illuminating Company of New York to lay, erect, and construct suitable wires or other conductors, with the necessary poles, pipes, or other fixtures, in, on, over, and under the streets, avenues, public parks, and places of the city, for conducting and distributing electricity, and to the full extent that could, with the consent of the municipal authorities of the city, be given to any gaslight company, under or by reason of, or in pursuance of, an application made by any of the corporations especially referred to in Chapter 512 of the General Statutes of New York for the year 1879. All excavations in street, removals and replacements of pavements or sidewalks, to be done under and according to the direction of the Commissioner of Public Works and under such further conditions as to security against damage to sewers, water-pipes, gas-pipes or other pipes as may be prescribed by the Mayor, Comptroller and Commissioner of Public Works, who are now by law authorized to make provision for lighting the streets of the city.

Whenever at any time any permit shall be granted to open the streets, pavement, or sidewalks, for the purpose of laying the tubes, wires, conductors, or insulators of the company, a sum equal to one cent per lineal foot of streets occupied under such permit shall be paid to the city.

Nothing herein contained shall be deemed to authorize the laying of any mains or pipes for

- XLIX** conveying, nor the erection of any lamps or lamp-posts to be used for illuminating by gas.

June 14, p. 173.

Gives permission to The Dry Dock, East Broadway, and Battery Railroad Company to erect posts, and place a canvas awning thereon, in front of their premises, on south side of Grand street, between Monroe and East streets, the work done at their own expense, under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

August 4, p. 246.

Establishes a ferry to run from a point at or near the foot of Twenty-third street, East River, New York, to and from a point at or near the foot of Quay street, Brooklyn, E. D., and authorizes and directs the Commissioners of the Sinking Fund to sell at public auction to the highest bidder, as provided by law, the right to operate the ferry so established, on such terms and conditions and subject to such restrictions and regulations as may be prescribed by said Commissioners.

November 23, p. 389.

Gives permission to The Manhattan Railway Co. to erect temporary stairways at 70th, 80th, 92nd, 105th, and 115th streets and Second avenue, the work to be done at their own expense under the direction of the Commissioner of Public Works;

such permission to continue only during the pleasure ^{1881—XLIX} of the Common Council.

See resolution of December 31, 1881, p. 459 same Vol., changing 115th to 116th.

December 13, p. 406.

Grants permission to the Metropolitan Telephone and Telegraph Company to use the streets within the city for the purpose of constructing and laying lines of electrical conductors under ground, from time to time, in tubes or otherwise, and for constructing, maintaining, and using in such streets, from time to time, upon, above, or below the surface of the ground, boxes, vaults, or other fixtures suitable for distributing and testing, from time to time, the wires and insulators of said lines, and for access thereto. All excavations in streets, removals and replacements of pavements or sidewalks, shall be done under and according to the direction of the Commissioner of Public Works. The said company, in acting under this permission, shall be subject to so much of the provisions of article XLI of chapter eight of the Revised Ordinances of 1880 as requires that one wire in each route shall be reserved for the use of the police and one for the fire-alarm telegraph, without charge to the City and County of New York. For each street opened and used by the company, under this permission, for the purpose of laying therein its lines of electrical conductors, it shall pay to the city a sum equal to one cent for each lineal foot of such street occupied.

December 22, p. 437.

Gives permission to the Excelsior Electric Company to place two lamp-posts and electric lamps in front of the City Hall, said lamp-posts to be erected

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and maintained and lamps lighted at the expense of said company, and under the direction of the Commissioner of Public Works ; this permission to continue only during the pleasure of the Common Council.

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APPROVED IN 1882. VOL. 50.

February 9th, p. 48.

Recites, that a certain resolution heretofore passed by this Board on behalf of the corporate authorities of the city, giving the consent of such corporate authorities to the routes adopted by the Commission on Rapid Transit, as contained in the report of said Commission transmitted to this Board October 28, 1881, was returned to this Board without the approval of the Mayor, for the reason that no provision was made for compensation to the city for the franchises which would accrue to the company or corporation to be organized for the purpose of operating a steam railway upon and along the routes described in said report ;—

And grants the consent of the Mayor, Aldermen, and Commonalty of the City of New York for the location of the routes of such steam railway as set forth in said report of said Board of Rapid Transit Commissioners, upon condition, however, that the company or corporation which shall come into possession of the franchises for operating a steam railway along and upon said routes shall annually pay to the Mayor, etc. of the City of New York, a sum equivalent to five per cent. of all dividends paid during such year by said company or corporation upon its capital stock, and that such company or corporation shall, before entering upon the construction of any line of railroad along or upon such routes, enter into an undertaking or obligation

with the Mayor, Aldermen, and Commonalty of ^{1882-L} the City of New York to make such annual payments as aforesaid.

February 14, p. 52.

Establishes a ferry to run from a point at or near the foot of Liberty street, North River, New York City, to and from Communipaw, or to some street or avenue contiguous or adjacent thereto, as the purchaser of the franchise may elect, in Hudson County, New Jersey, and authorizes and directs the Commissioners of the Sinking Fund to sell at public auction, to the highest bidder, as provided by law, the right to operate the ferry so established, on such terms and conditions and subject to such restrictions and regulations as may be prescribed by said Commissioners.

April 13, p. 172.

Gives permission to the Brush Electric Illuminating Company to pave substantial driveways in the pavements in front of premises Nos. 201 to 210 Elizabeth street, to facilitate the transaction of the business of the company, the work to be done at their own expense, under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

May 6, p. 228.

Gives permission to imbed a small tube beneath the pavement, from the office to the Pneumatic Clock Company, No. 26½ Broadway, to the large

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lamp-post in Bowling Green Plaza, a distance of about 100 feet, and to place upon said lamp-post a triplex dial clock, which will be connected by the imbedded tube with the regulator in the office of the company, said clock to be so placed as not to interfere with the lights from the city lamps, the work done at the expense of the company, under the direction of the Commissioner of Public Works ; such permission to continue only during the pleasure of the Common Council.

June 20, p. 324.

Gives permission to the New York and Harlem Railroad Company to place and keep a small booth, to be used by the starter of the city line, on the sidewalk near the curb-stone, on a line between Nos. 1 and 1½ Astor Place, the work done at its own expense, under the direction of the Commissioner of Public Works ; such permission to continue only during the pleasure of the Common Council.

July 1, p. 355.

Gives consent that a railway or railways be constructed and operated upon and along, or over or under and across the several streets, avenues, places and lands, as, and upon and along the route or routes and the several connections thereof, fixed, determined, located and designated by the Commissioners, heretofore and on March 6th, 1880, appointed by the then Mayor of the City, under and pursuant to the provisions of Chapter 606 of the Laws of 1875, which said railway or railways the Suburban Rapid Transit Company has been incorporated and organized to construct and operate.

July 25, p. 377.

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Gives permission to the Metropolitan Telephone and Telegraph Company to place telephones, and occupy space for not more than five operators or messengers, in the New County Court-House, in the hallway on the second floor of said building, under the direction and supervision of the Commissioner of Public Works (with connecting instruments in the City Hall and other buildings in the City Hall Park), provided that said instruments and the wires connected therewith shall not obstruct or interfere with the regular business of the Courts, or injure or deface the walls; rent for such space to be the same as that now paid by the Law Telegraph Company for the space similarly occupied by it, and to be placed to the credit of the General Fund; this permission shall continue only during the pleasure of the proper authorities.

September 25, p. 461.

Grants the petition of the Manhattan Storage and Warehouse Company for permission to excavate and lay steam pipes in 41st street and Lexington avenue.

October 20, p. 578.

Gives permission to the Harlem River Ferry Company to place and keep two small signs for the purpose of directing the public to the location of said ferry, one on the northeast corner of Lincoln avenue and the Southern Boulevard, the other on the southeast corner of North Third avenue and the Southern Boulevard; the posts supporting said signs not to be more than ten feet high, and the signs not to be more than eight feet by four feet, the

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work done at its own expense, under the direction of the Commissioners of the Department of Public Parks; such permission to continue only during the pleasure of the Common Council.

October 24, p. 596.

Instructs the Commissioners of the Sinking Fund that, in disposing of the lease of the ferry from the foot of East Thirty-fourth street, after the expiration of the present lease, November 1, 1882, they include a stipulation in the new lease that the ferriage for each adult person crossing upon the boats of said ferry, each way, shall not exceed two cents, and that they give notice before the sale of said ferry franchise that the stipulation above named will be one of the conditions of the new lease.

October 30, p. 609.

AN ORDINANCE IN RELATION TO STEAM RAILROADS
CROSSING ON GRADE PUBLIC HIGHWAYS IN THE
CITY OF NEW YORK.

SEC. 1.—It shall be the duty of every person, company, or corporation operating or controlling any railroad in the city, upon which cars are drawn by locomotive engines, other than those known as "dummies," to erect and maintain suitable and substantial gates or doors on each and either side of said railroad, at every point in said city at which its road or tracks cross any public street, road, or avenue at the grade thereof. Such gates or doors shall be kept well painted and in good repair, and be attended, at all times, during the approach and passage of cars or trains, by sober,

careful, and experienced men, whose duty it shall ^{1882—L.} be to keep the tracks clear of all horses, cattle, and vehicles, to properly warn all persons against crossing said tracks during the approach of any train, locomotive, or car, and to close said gates or doors at least one minute before the passage of any locomotive, engine, or car over said public street, road, or avenue.

SEC. 2. It shall not be lawful for any person, company, or corporation operating or controlling any railroad in the city, to run, or allow to be run, any locomotive, or locomotive and tender without cars, across any public street, road, or avenue in said city, unless the gates or doors at such street crossing are closed or down, or to permit any locomotive or steam engine, car, carriage, wagon, or vehicle, of any kind whatever, to stand for a longer time than five minutes on the intersection caused by the crossing of such railroad and any public street, road, or avenue at the grade thereof.

SEC. 3. Every failure to comply with the provisions of this ordinance on the part of the president, directors, superintendent, or other officers of any company or corporation, or on the part of any person or persons operating or controlling any such railroad, shall be deemed a misdemeanor, and the person or persons so offending shall be punished on conviction before any of the police magistrates of the city, pursuant to the provisions of sections 20 and 21 of chapter 11, of the Laws of 1883, entitled "An Act relative to the powers of the Common Council of the City of New York, and the police and criminal courts of said city," and to the provisions of section 5 of article 4 of chapter 228 of the Laws of 1853, entitled "An Act in relation to the Police Department of the City of New York."

SEC. 3. Repeals all ordinances or parts of ordinances inconsistent or conflicting with the provisions of this ordinance.

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SEC. 4. Ordinance takes immediate effect.

See amendment, Decr. 26, 1882, same vol., p. 748.

November 14, p. 638.

Directs the Sinking Fund Commission to insert a clause in all leases of ferries between New York and Staten Island, as they mature, that the rate shall not be more than five cents for each foot passenger.

November 14, p. 640.

Establishes a ferry to run from Pier No. 1, North River, and the adjoining bulkhead, in the city, to Staten Island, opposite the said city, and authorizes and directs the Commissioners of the Sinking Fund to sell at public auction, to the highest responsible bidder or bidders, the right to operate the ferry so established, on such terms and conditions, and subject to such restrictions and regulations, as may be prescribed by said Commissioners; and requests said Commissioners to fix the fare at five cents for foot passengers. No sale or transfer of the right to operate such ferry shall be made by the lessees thereof without the consent of the Common Council.

November 14, p. 641.

Directs and requires the New York and Harlem Railroad Company, at its own expense, to cause a retaining-wall, surmounted with a coping and iron railing, to be constructed along each side of its track upon the land owned by said company, lying between 156th and 162nd streets, in the Twenty-third Ward, under the direction and sub-

ject to the supervision and to the satisfaction of the Commissioners of Public Parks; the work to be done and completed on or before May 1st, 1884, under a penalty of one hundred dollars for each and every day such retaining-walls shall remain unfinished after that date;

In the event of a failure on the part of said railroad company to comply with the provisions of the foregoing resolution, it shall be lawful for any officer of the City Government, or any owner of property interested, to institute proceedings against said railroad company in any of the district courts of the city for the recovery of the penalty mentioned in the preceding resolution, which, when recovered, shall be paid one-half into the City Treasury towards the payment of the interest on the city debt, and the other half to the complainant in such case.

November 21, p. 648.

Recites, that permission was given by the Board of Aldermen, by resolution approved by the Mayor May 21, 1879, [see Proceedings, vol. 47, p. 107,] to run the street car "Motor Lillie" on the line of such railroad lines as would permit him to do so, etc.;—

That since such permission was granted the said Angamar has departed this life;—and

Continues the permission granted to said Angamar in said resolution to his successors and legal representatives in like force and authority, under the direction and supervision of the Committee on Railroads of this Board.

December 12, p. 703.

Recites, that public opinion demands that the passenger fares on the street cars of the New York

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and Harlem Railroad Company should be reduced to the uniform rate of five cents for each passenger, as on other city railroads;—that the tracks of said road were laid in the lower part of this city conditioned upon the consent of the Common Council;—that the Legislature has provided that said company shall be limited to six cents below Forty-second street, and eight cents above;—and

ORDAINS, that permission be given to the New York and Harlem Railroad Company to run their cars drawn by horses in the streets and avenues of the city upon their present route and its branches where tracks are now laid, from near the Post-office to 86th street, at the rate of five cents for each passenger, provided said company shall, within ten days after the passage of this ordinance, file in the office of the Comptroller of this city an agreement with the said Mayor, Aldermen, and Commonalty, duly executed under the corporate seal of said company, to reduce the fare charged for each such passenger upon said route or any part thereof to five cents, and to maintain the fare thereafter at that rate.

December 16, p. 721.

Recites, that the unfinished condition of station of the elevated railway at Third avenue and 129th street, causes much inconvenience and annoyance to those of our citizens who daily have occasion to ascend and descend the uncovered stairways leading thereto, which, in stormy weather, are not only abominably dirty and unfit for use, but are often absolutely dangerous;—and

Directs the Manhattan Elevated Railway Company, without delay, to cause the stairways and platforms leading to its said station to be covered, in order to afford proper and much needed protec-

tion, particularly in inclement weather, to those ^{1882—L} of our citizens who travel on said road.

Amended Feby. 7, 1883, Proceedings vol. 51, p. 40.

December 21, p. 739.

Directs the Commissioner of Public Works to notify the United States Illuminating Company that the poles erected by it in the various streets and avenues of the city must, in all cases, be painted in accordance with established regulations; and also, that all poles to be hereafter erected in this city, by said company, shall be painted before being placed in position, in order that they may not present an unsightly appearance.

December 26, p. 748.

An ordinance to amend an ordinance entitled "An ordinance in relation to steam railroads crossing on grade public highways, in the City of New York," approved October 30, 1882.

Section 1, amends the ordinance of October 30th, 1882, [see proceedings Vol. 50, p. 609] by inserting in the title thereof, after the words "public highways," the words, "in the Twenty-third and Twenty-fourth Wards," and by inserting in the first and second sections thereof after the words "any railroad," the said words "in the Twenty-third and Twenty-fourth Wards."

December 26, p. 763.

Permits the Dry Dock, East Broadway & Battery Railroad company to place and keep a small booth, known as a starter's box, on the sidewalk near the

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curb-stone, in front of No. 11 Park Row, such booth not to be more than 3 feet wide, 5 feet long, and 6 feet high; such permission to continue only during the pleasure of the Common Council.

December 26, p. 764.

Permits the New York and Harlem Railroad Company to retain the flagman's box at the north-east corner of Centre and Grand streets, said box to be placed against the west curb of the south wall of Centre Market building; such permission to continue only during the pleasure of the Common Council.

December 26, p. 768.

Permits the New York and Harlem Railroad Company to place and keep a booth 4 by 6 feet, in front of their city line depot, on the east side of Fourth avenue, between 32nd and 33rd streets, to be used by the starters of the city line; such permission to continue only during the pleasure of the Common Council.

December 27, p. 770.

Establishes a ferry to be run to and from a point between or near the foot of Harrison street and the foot of Jay street, North River, New York, and a point at or near Dea's Point, in the township of Weehawken, Bergen County, New Jersey; and authorizes and empowers the Commissioners of the Sinking Fund to sell at Public Auction to the highest bidder, as provided by law, the right to operate said ferry on such terms and conditions, and subject to such regulations and restrictions, as are required by law and the ordinances of the

Common Council, and as may be prescribed by ^{1862—L} said Commissioners for the protection of the public interests.

December 27, p. 772.

Amends the last above resolution and the preamble thereto by striking out the word "Bergen" wherever it occurs, and inserting in lieu thereof the word "Hudson."

December 29, p. 779.

Establishes a ferry to be run to and from a point at or near the foot of Canal street, North River, and Fort Lee, Bergen County, New Jersey, with landings at intermediate piers or docks in New York, to wit: at or near the foot of 23rd and 34th streets, North River; and authorizes and empowers the Commissioners of the Sinking Fund to sell at public auction, to the highest bidder, as provided by law, the right to operate the said ferry, on such terms and conditions, and subject to such regulations and restrictions as are required by law and the ordinances of the Common Council, and as may be prescribed by said Commissioners, for the protection of the public interests.

December 30, p. 797.

Recites, that the growth of the city on the west side requires that additional railroad facilities should be furnished to accommodate the increasing population of that part of the city contiguous to or bordering on the line of the Ninth Avenue Railroad;—that the resolutions adopted by the Common Council on or about December 28th, 1853, granting unto Murphy, Radford and Story, their

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assigns and associates, the right and privilege to construct and operate said railroad, contained a provision that said railroad should be continued from 51st street along Ninth avenue, the Bloomingdale road and Tenth avenue to the Harlem River, whenever required by the Common Council, and as soon as and as fast as said avenues are graded;—that the Ninth Avenue Railroad Company has only constructed the railroad which it is authorized to build and operate as far northerly as the junction of Ninth avenue and Sixty-fourth street, or thereabouts;—and that the proper accommodation of the public demands that said railroad be continued and extended upon the route mentioned in said original resolution of December 28th, 1853;—

And requires the Ninth Avenue Railroad Company, as soon as practicable, to continue and extend its railroad from its present terminus in Ninth avenue at or near 64th street to the Grand Boulevard (formerly called the Bloomingdale Road); thence along said Boulevard and Tenth avenue to 125th street; and that when Tenth avenue shall be properly regulated and graded for the convenient operation of a horse railroad, that said railroad, as soon thereafter as public convenience may require, shall be further extended and continued, from time to time, along Tenth avenue to the Harlem River.

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APPROVED IN 1883. VOL. 51.

February 7, p. 40.

Recites resolution adopted December 12, 1882, directing the Manhattan Elevated Railway Company, without delay, to cause the stairways and platforms leading to its station at Third avenue and 129th street, "to be covered," etc.,—which resolution was approved by the Mayor December

16. 1882;—that said company has failed to cover ^{1882—LI} said stairways and platforms, and as a consequence a citizen was fatally injured at this station on the first instant, and one or more have been severely injured since that date;—

And calls the attention of the District Attorney to the subject, and requests him to ascertain the facts in the cases of fatal and other injuries to individuals at the station named, and that he cause the evidence to be presented to the Grand Jury with a view to the indictment of the derelict officers of said company;—

And amends said resolution approved December 16, 1882, [see Proceedings, Vol. 50, p. 721,] by adding thereto the following: "And in the event of neglect or refusal on the part of said company to comply with the provisions of this resolution for a period of sixty days, the officers of said company shall respectively be deemed guilty of a misdemeanor, and on conviction thereof before any magistrate, shall incur a penalty of one hundred dollars for each day such neglect or refusal shall continue, and in default of payment thereof shall be punished by imprisonment for a period of not more than ten days for each day such violation of the provisions of this resolution shall continue."

March 10, p. 75.

Recites that the accommodation for passengers and teams afforded by the lessee of the ferry at the foot of West Forty-second street is unsafe and insufficient;—

And directs and requires the owners and lessees of said ferry franchise and of said premises to forthwith put and maintain in good order and substantial repair the bridges, floats, and other fixtures at the landing place of said ferry and the necessary docks and slips thereat, and that they

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shall provide suitable foundations for the ferry house and approaches thereto at his or their proper costs and charges, and for that purpose are directed and required forthwith to build, erect, make and finish a good and sufficient bulkhead at the foot of West Forty-second street, the whole width thereof, and fill in the same with good and sufficient earth, and regulate and pave the same and lay the sidewalks thereof; such alterations, repairs and bulkheads shall be in accordance with the plans heretofore prepared by the Board of the Department of Docks and adopted by the Commissioners of the Sinking Fund.

April 10, p. 132.

Grants permission to the New York Electric Lines Company to lay wires or other conductors of electricity in and through the streets, avenues and highways of the City, and to make connections of such wires or conductors underground by means of the necessary vaults, test-boxes, and distributing conduits, and thence above ground with points of electric illumination, or of telegraphic or telephonic signal in accordance with the provisions of an "Ordinance to regulate the laying of subterranean telegraph wires and electric conductors in the streets of the city", passed by the Common Council and approved by the Mayor, December 14, [11,] 1878; provided, however, and it is hereby ordained and

Resolved, that whenever said company, in the progress of laying its lines of electric conductors, shall be prevented or obstructed from placing its wires in the spaces which may have been generally selected under the ordinance passed and approved as aforesaid, by manholes of sewer, gas, steam, or water-mains, or other underground or pavement impediments, now and heretofore existing, then and in such cases said company may,

under the privileges hereby granted, vary the spaces selected by adopting, appropriating, and using equivalent and nearest practicable spaces as may be found necessary; and provided further, and it is ^{1888—Lt}

Resolved and ordained, that the connection vaults or test boxes aforementioned, may be extended underground not more than four feet in depth or two feet in any lateral direction beyond the limited spaces contemplated for the lines of wires in the ordinance passed and approved as aforesaid, and may be fitted with covers or other means of access at the level of the pavements of the several streets and avenues.

Resolved, that in addition to the requirements and provisions to be observed, contained in said ordinance, said company, as a further compensation for the opening and use of the streets of the city, shall pay into the City Treasury, within ten days after taking up the pavements, for each one thousand feet in length of trench to be excavated, the maximum sum or sums of money which have been, or may hereafter be, required of grantees or licensees to be paid, under any general or special ordinance of the Common Council heretofore enacted, authorizing the laying of electric conductors under the streets of the city.

Resolved, that the permission to the said New York Electric Lines Company hereby intended by the Common Council is conditioned that said company shall not transfer or dispose of the franchise hereby granted without the further authority of the Common Council, and that it will make no discrimination of individuals or corporations in the rental and use of its lines of wires, which may be laid down hereunder.

Resolved, that the city shall have the option, after the first day of January, 1885, to require that said company shall pay into the City Treasury

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two per cent. of its gross receipts derived from the rental of its wires, under the franchise hereby granted, in lieu of the donation to the city of the two wires in each line of conductors, as provided in the general ordinance passed and approved as aforesaid, and said option may be declared at any time after the said first day of January, 1885, by resolution of the Common Council.

April 24, p. 141.

Gives permission to the Dry Dock, East Broadway and Battery Railroad Company to place and keep a watering trough on the southerly side of the starter's box of the Third avenue line of cars, located in the square fronting the "Astor House", the work to be done and the water supplied at their own expense, under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

May 2, p. 155.

Recites that permission has heretofore been given to various corporations to use the streets in the city for laying electrical conductors underground, and that it is desirable that the Corporation hereinafter named be enabled and required to relieve the thoroughfares of the city of as many of their wires as can be advantageously replaced by pneumatic tubes and other necessary fixtures, to be placed underground and used for transmission and delivery of messages from and to the Company's offices and stations within the city, and to lay underground as many of the Company's other wires as can be efficiently there worked;

And grants permission to the Western Union Telegraph Company to use the streets within the

city for the purpose of constructing and laying ^{1888—LI} lines of electrical conductors underground, from time to time, in tubes or otherwise, and for constructing, maintaining, and using in such streets, from time to time, upon and below the surface of the ground, boxes, vaults, or other fixtures suitable for distributing and testing, from time to time, the wires and insulators of said lines and for access thereto, and for laying, maintaining, and using, underground in said streets, the pneumatic tubes necessary or proper to be used in transmission of communications between the Company's several offices or stations, or in making delivery of communications received by the Company by telegraph. All excavations in streets, removals and replacements of pavements or sidewalks, shall be done under and according to the directions of the Commissioner of Public Works. Said company, in acting under this permission, shall be subject to so much of Article XLI. of Chapter 8 of the Revised Ordinances of 1880 as requires that one wire on each route shall be reserved for the use of the police and one for the fire-alarm Telegraph, without charge to the City and County. For each street opened and used by the company, under this permission, for the purpose of laying therein its lines of electrical conductors or pneumatic tubes, it shall pay to the city a sum equal to one cent for each lineal foot of such street occupied.

Requires and directs the aforesaid company to proceed as rapidly and promptly as may be found practicable in the work of actually laying pneumatic tubes and electrical conductors as aforesaid.

May 22, p. 191.

Establishes a ferry from a point at or near the foot of 99th street, East River, to College Point, Queens County, Long Island; and authorizes and

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directs the Commissioners of the Sinking Fund to sell at public auction, to the highest responsible bidder or bidders, the right to operate the ferry so established, on such terms and conditions, and subject to such restrictions and regulations as may be prescribed by said Commissioners.

June 21, p. 232.

Gives permission to the directors of the Forty-second street and Grand street Railroad Company to place a starter's box on the sidewalk, near the curb line, at the terminus of their route, corner of Grand and East streets; such permission to continue only during the pleasure of the Common Council.

August 1, p. 287.

Gives permission to the Baltimore and Ohio Telegraph Company to erect three telegraph poles on the south side of Stone street, within the line of the curb, at points as follows: One on boundary line of 14 and 16 Stone street; one on boundary line of 2 and 4 Stone street; and one on Stone street, fourteen feet from the corner of Whitehall and Stone streets; also authorizes said company to make a temporary excavation from the base of the last-mentioned pole across Stone street, and under the northerly side-walk of said street, to connect with the new Produce Exchange Building, for the purpose of laying a conduit from said pole to said building, for telegraphic purposes; the work to be done at said company's own expense, under the direction and to the satisfaction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

October 22, p. 446.

Directs the New York Central and Hudson River Railroad Company to cease running locomotives or "dummy" engines in, upon or over any of its tracks upon the surface of the streets or avenues of the City, with cars thereunto attached, at a greater rate of speed than of four miles per hour, or with a longer train of cars than fifteen cars, and at an interval space between each train of cars so drawn of not less than fifty feet; and that no locomotive or "dummy" engine shall hereafter be run by said company over or upon said streets and avenues, singly and without cars attached, at a greater than the above-mentioned rate of speed, or at a less than the aboved-named interval space.

November 20, p. 479.

Amends the last above resolution so that the same shall read as follows :

Directs the New York Central and Hudson River Railroad Company to cease running "dummy" engines in, upon or over any of its tracks upon the surface of the streets and avenues of the city, with cars thereunto attached, at a greater rate of speed than of six miles per hour, or with a longer train of cars than fifteen cars, and at an interval space between each train of cars so drawn of not less than fifty feet; and that no "dummy" engine shall hereafter be run by said company over or upon said streets and avenues, single and without cars attached, at a greater than the above-mentioned rate of speed, or at a less than the above-named interval space.

December 7, p. 516.

Grants the petition of the Electric Patrol Indicator Company, for permission to erect one tele-

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graph post (for temporary use), on the south side of West Fourth street, between Wooster street and South Fifth Avenue.

December 24, p. 567.

Frederick G. Bourne, for himself and others, without expense to the city, have permission to lay the wires of the Fire Alarm Telegraph, of the Fire Commissioners of the city, under the pavement of Eighth Avenue, from a point about ninety feet south of the south curb of Seventy second street, to a point about fifteen feet north of the north curb of Seventy-third street, provided that permission to do the same is granted by the Fire Commissioners, and that the work in so far as it relates to that Department is done under their direction and to their satisfaction, and provided also that all other work in connection therewith is done under the direction and to the satisfaction of the Commissioner of Public Works.

December 28, p. 569.

An ordinance to require electric lighting or illuminating companies to lay their tubes, wires, conductors and insulators beneath the surface of the streets, avenues and public places in the City of New York.

Recites that it is deemed best for the public interests that the rights and privileges heretofore granted by previous ordinances to the several electric illuminating companies authorized to light the streets of the city by electric light, to wit : The Edison Electric Illuminating Company of New York, The United States Illuminating Company of New York, and the Brush Electric Illuminating Company of New York, for the erection and

use of poles for conducting wires in the streets and public places of this city for the purposes of electrical illumination shall cease as soon as may be without impairing the property rights acquired on the faith of such grants, and that said companies be required to place all their conductors as soon as it shall be practicable for them to do so ; and
ORDAINS

SEC. 1. The several electric lighting or illuminating companies now having or lighting any electric lights in any of the streets, avenues, or public places within the corporate limits of the city, are authorized and required to lay their tubes, wires, conductors and insulators underground, pursuant to the stipulations contained in their respective grants, and in compliance with the requirements and provisions of paragraphs I, II, III, IV, V, and VI of a resolution adopting an ordinance entitled " An ordinance to regulate the laying of subterranean telegraph wires and electric conductors in the streets of the city," approved December 11, 1878. [Proceedings, Vol. 46, p. 407.]

SEC. 2. Every such electric lighting or illuminating company shall comply with the directions contained in Section 1 of this ordinance, within a period of two years commencing with the first day of May next, and from and after the expiration of such time it shall not be lawful for any such company, or any other company, or individual, to light any electric light from any wire or conductor, unless such wire or conductor shall, in the public streets, avenues and places, be underground; and every post, if of wood, and every wire or conductor which shall then be in, upon or over any street, avenue or public place, within the corporate limits of the city, shall be taken down and removed, and the surface of the street or sidewalk, or public place, from which any and every such post shall be removed, shall be restored to the

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same condition as it was previous to the erection of every such post, within a period of 90 days dating from the expiration of the two years' time before mentioned ; and every electric conductor connected with every electric light lighted in this city, and not in any street, avenue or public place, shall, after the time above mentioned, be so insulated and protected that contact with it by any human being, other than a regular employee of any such company, shall be an utter impossibility.

SEC. 3. Any neglect or refusal to comply with the provisions of this ordinance, on the part of the said electric illuminating companies, or either of them, shall be deemed a misdemeanor and shall subject the officers of the company or companies so refusing or neglecting, on conviction thereof before any police magistrate, to the full penalty prescribed in section 85 of chapter 410 of the Laws of 1882, one-half of the penalty therein mentioned to be paid and applied to the use of the person or persons who shall be complainant or complainants in each case, and who shall give such information as will secure the conviction of the offender or offenders.

SEC. 4. Ordinance takes immediate effect.

December 31, p. 580.

Gives permission to "The Rapid Telegraph Company" to lay a telegraph cable underground across West street, at the foot of Cortlandt street, connecting the premises known as the Glen Island Hotel and Starin's Dock, permission having been given by the owners of the property on each side of said West street, the work to be done under the direction of the Commissioner of Public Works and not to interfere or interrupt the travel on the street.

March 18, p. 72.

Establishes a ferry to be run to and from a point at or near piers 2 and 3, East River, and the slip between said Piers in New York, and a point between 28th and 39th streets, at Gowanus Bay, in the 8th Ward of Brooklyn, Kings County; and authorizes and directs the Commissioners of the Sinking Fund to sell at public auction to the highest responsible bidder, as provided by law, the right to operate said ferry, on such terms and conditions, and subject to such regulations and restrictions, as are required by law, and as may be prescribed by said Commissioners, for the protection of the public interests.

March 31, p. 82.

Establishes a ferry to be run to and from the foot of 14th street, North River, and a point in the northerly portion of Hoboken, at or near the foot of 12th street, in Hudson County, New Jersey; and authorizes and directs the Commissioners of the Sinking Fund to sell at public auction to the highest bidder, as provided by law, the right to operate said ferry, on such terms and conditions and subject to such regulations and restrictions as are required by law and the ordinances of the Common Council and as may be prescribed by said Commissioners, for the protection of the public interests.

April 17, p. 119.

Recites that it appears that the public interest will be promoted by the establishment of a ferry from the foot of East 23rd street, East River, New York, to the foot of Broadway, Brooklyn, E. D.; And establishes such ferry, and authorizes and

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empowers the Commissioners of the Sinking Fund to sell at public auction to the highest bidder, as provided by law, the right to operate said ferry, on such terms and conditions, and subject to such regulations as are required by law and the ordinances of the Common Council, and as may be prescribed by said Commissioners for the protection of the public interest.

June 21, p. 186.

Grants consent and gives permission and authority to the Forty-second street, Manhattanville and St. Nicholas Avenue Railway Company to extend its line and construct branches thereof, and to construct, maintain and operate and use a double track street surface railroad in the city, to be operated by horse-power through, along and upon the following streets, avenues and highways in said city, to wit :

Commencing at the existing tracks of this company in 42nd street, at the westerly line of Tenth avenue ; thence through, along and upon 42nd street and through the tunnel with double tracks, to the East River, also from 42nd street and First avenue, through and along First avenue with double tracks to 34th street.

Also commencing in 42nd street where the same is intersected by Seventh avenue; thence running, with double tracks, through, along, and upon Seventh avenue and Broadway and across the Circle and Eighth avenue to and along the Boulevard, to connect with the tracks of the company at Manhattan street, the tracks on the Boulevard to be laid, one track to the east and one track to the west of the Boulevard parks in the centre of said Boulevard, and as near said parks as practicable.

Also to construct such switches, sidings, turn-outs and turn-tables and suitable stands thereon

as may be necessary for the convenient working ^{1884—LII} of such roads. But this consent, permission and authority are given upon the express condition, that said Railway Company shall, for and during the first five years after the commencement of the operation of any portion of its railroad on the routes above designated, annually, on the first day of November, pay into the Treasury of the City, to the credit of the Sinking Fund thereof, three per cent. of so much of its gross receipts, for and during the year ending the next preceding 30th day of September as shall bear the same proportion to the whole value thereof, as the length of said railroad on the routes above designated, shall bear to the entire length of its tracks, and also after the expiration of said five years, make a like payment of five per cent. of so much of its gross receipts into the Treasury of the City, to the credit of the Sinking Fund thereof, instead of said three per cent.

That said company shall also, whenever and as required and under the supervision of the proper local authorities have and keep in permanent repair the portion of every street, avenue and highway, designated in its application and above mentioned, between its tracks, the rails of its tracks and a space two feet in width outside and adjoining the outside rails of its track or tracks so long as it shall continue to use such track constructed under the provisions of this resolution and consent.

And also upon the further condition that said railway company shall comply with all reasonable ordinances or regulations which the local authorities having charge of said streets, avenues or highways, shall make as to the rate of the speed, mode of use of tracks, and removal of ice and snow, as the interest and convenience of the public may require.

And also upon the further condition that said railway company shall not charge any passenger

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more than five cents for one continuous ride from any point on its road, or any road or line or branch operated by it or under its control to any other point thereon, or on any connecting branch thereof.

And also upon the further condition that said railway company shall, in all and every respect and particular, comply with the provisions of Chapter 254, of the Laws of 1884, applicable or pertinent thereto.

(Clerical amendment to last paragraph, (254 changed to 252,) same volume, page 234.)

July 3, p. 209.

Recites that the Second Avenue Railroad Company has, pursuant to the provisions of Chapter 252 of the Laws of 1884, applied to this Board for its consent that said company may construct etc., a railroad in certain streets and avenues in the city, hereinafter mentioned;—that due notice has been given, as required by said act, that such application would be considered at a certain time and place;—and that at the time and place so designated such application was considered, and all persons desirous of being heard in reference thereto were heard;—

And gives the consent of this Board that said Second Avenue Railroad Company in the City of New York may construct, maintain, operate, use, and extend a railroad with a double track on the surface of the soil through, upon, and along First avenue, from Harlem River to 57th street; thence also with a double track through, etc. 57th street to Second avenue, to connect with its present track in said avenue; also a branch railroad with a double track through, etc. 96th street, from its present track in Second avenue to connect with its proposed track in First avenue; and also may construct such

switches, sidings, turnouts, and turn-tables, and ^{1884—LII} suitable stands as may be necessary for the convenient working of such roads. This consent is given upon the express condition that said company shall comply with all the provisions of the aforesaid act of the Legislature of the State of New York, passed May 6, 1884, and known as Chapter 252 of the Laws of 1884, pertinent thereto.

July 23, p. 234.

Amends the last paragraph in the resolution granting permission to the 42nd street Manhattanville and St. Nicholas Avenue Railway Company, to lay rails in certain streets of the city, approved by the Mayor, June 21st 1884, (Same vol. p 186,) by striking out the figures "254" after the word "Chapter" and inserting in lieu thereof the figures "252."

August 30, p. 377.

Recites that permission has been previously given to various corporations to use the streets for laying electrical conductors underground, and it being desirable that the corporation hereinafter named be enabled to so place their lines of wires underground, in order as far as possible to relieve the thoroughfare from encumbrances, and to lay underground as many of the company's other wires as can be efficiently there worked;—

Grants permission to The Commercial Cable Company to use the streets within the city for the purpose of constructing and laying lines of electrical conductors underground, from time to time, in tubes or otherwise, and for constructing, maintaining and using in such streets, from time to time, upon and below the surface of the ground, boxes, vaults or others fixtures suitable for dis-

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tributing and testing, from time to time, the wires and insulators of said lines and for access thereto, and for laying, maintaining and using, underground in said streets, the pneumatic tubes necessary or proper to be used in the transmission of communications between the company's several offices or stations, or in making delivery of communications received by the company by telegraph. All excavations in streets, removals and replacements of pavements or sidewalks, shall be done under and according to the directions of the Commissioner of Public Works. Said company, in acting under this permission, shall be subject to so much of the provisions of article XLI of chapter 8 of the Revised Ordinances of 1880, as requires that one wire in each route shall be reserved for the use of the police and one for the fire-alarm telegraph, without charge to the City and County. For each street opened and used by the company, under this permission, for the purpose of laying therein its lines of electrical conductors or pneumatic tubes, it shall pay to the city a sum equal to one cent for each lineal foot of such street occupied.

Requires and directs said company to proceed as rapidly and promptly as may be found practicable in the work of actually laying pneumatic tubes and electrical conductors as aforesaid.

See resolution approved November 12, 1884, same volume, p. 461.

August 30, p. 378.

Recites that The Broadway Surface Railroad Company, pursuant to chapter 252 of the Laws of 1884, applied to the Board for its consent that said company may construct, etc. a railroad in the streets and avenues in the city, hereinafter mentioned ;—that due notice has been given, as re-

quired by said act, that such application would be ^{1884—LII} considered at a certain time and place designated;— and that at the time and place so designated such application was considered, and all persons desirous of being heard in reference thereto were heard;—

And gives the consent of the Board that said The Broadway Surface Railroad Company may construct, maintain, operate and use a railroad with double tracks upon and along the surface of the following streets, etc., namely: Commencing at the southerly end of Broadway, near the Battery, and running thence with double tracks through and along Broadway and across 14th street to and along Union Square, to a point at or near the intersection of 15th street and West Union Square, there to connect with the now existing tracks in Union Square or Broadway, which run through Union Square, Broadway and Seventh avenue to Central Park or 59th street, together with the necessary switches, sidings, turn-outs, turn tables, and suitable stands for the convenient working of such road, and also to connect at its southerly end with the now existing railroad tracks in Whitehall street, State street, and Battery Place, in such manner as that by agreements between the owners of the respective tracks passengers may be carried from South ferry to the Central Park over a continuous railroad route, and for a single fare of five cents for the transportation of each passenger over the whole or any portion of said route.

This consent is given upon the condition that the company shall comply with the provisions of Chapter 252 of the Laws of 1884, applicable thereto.

Repealed December 5th, 1884; see Proceedings, same volume, p. 511.

September 1, p. 383.

Recites the resolution approved December 23, 1876, permitting all incorporated gas companies to

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lay gas mains and pipes in the streets etc., of the city for the purpose and upon conditions, &c.;—that since the passage of said resolution, several incorporated gas companies have obtained permission, under conditions prescribed and approved by the city officers therein named, to lay gas pipes in many of the streets, avenues and public places, and have in good faith complied with said conditions, and are now supplying, or are nearly ready to supply, gas to the city and its inhabitants;—that at the General Term of the Court of Common Pleas, in May 1884, in the suit of Elbert Ellery Anderson, appellant, against the Equitable Gas-Light Company of New York and Hubert O. Thompson, respondents, it was held substantially that “there is no provision in the law itself authorizing them (the Common Council) to delegate this power, and that the case falls within the settled principle that powers of this description cannot be delegated,” but must be regarded as “public powers and trusts, devolved by law or charter upon the Common Council, or governing body, to be exercised by it when and in such manner as it shall judge best, and cannot be delegated to others,” and that “there is no provision of law authorizing the Mayor, Comptroller, and Commissioner of Public Works to decide the manner or upon what conditions the defendant corporation may open the streets to lay its mains, and any permit founded upon their action in the premises confers no license, and is void;”—that it would be manifestly unjust to the gas companies, who have acted throughout in good faith and have complied with the provisions of the resolution of December 23, 1876, to enforce the principle embraced in the decision, which, in effect, declares them to be trespassers upon the property of the public—as a void permission is no permission—and any disturbance of the relations now existing between these several companies and this City and its inhabitants, would be injurious to both; while the continued existence of the resolu-

tion of 1876, which has produced such unsatisfac-^{1884—LIT} tory results, would be both unwise and inexpedient ;—in order, therefore, that no injustice may be done the gas companies, or injury inflicted upon the City or its inhabitants,—

The ordinance or resolution of the Common Council, adopted by the Board of Aldermen December 21, 1876, and approved by the Mayor, December 23, 1876, [reciting it, see Proceedings Vol. 44, p. 413,] is repealed, but this repeal shall not prejudice or affect any right, interest, privilege or power which has heretofore arisen, accrued or been conferred by said ordinance or resolution, and by the action of the Mayor, the Comptroller and the Commissioner of Public Works following thereon, as such right, interest, privilege or power now exists, and every such right, interest, privilege or power conferred, given or granted by the said the Mayor, the Comptroller and the Commissioner of Public Works, under and by the terms and provisions of said resolution of December 23, 1876, are confirmed, ratified and approved.

November 3, p. 454.

Gives permission to the Forty-second Street, Manhattanville and St. Nicholas Avenue Railroad Company to place and keep a circular starter's box, not exceeding six feet in diameter nor nine feet in height, at or near the foot of 42nd street, North River, the work done at its own expense; such permission to continue only during the pleasure of the Common Council.

November 12, p. 461.

Grants permission to the Commercial Cable Company to use the streets within the city for the

purpose of constructing and laying lines of electrical conductors underground, from time to time, in tubes or otherwise, for the constructing, maintaining and using in such streets, from time to time, upon and below the surface of the ground, boxes, vaults or other fixtures suitable for distributing and testing, from time to time, the wires and insulators of said lines, and for access thereto, provided that no box or other structure which shall be constructed by said company pursuant to this permission shall project above the surface of the street so as to obstruct or hinder the passage of persons or vehicles thereon; and for laying, maintaining and using underground in said streets, pneumatic tubes necessary or proper to be used in transmission of communications between the company's several offices or stations, or in making delivery of communications received by the company by telegraph, provided that no pneumatic tube to be laid under this authority shall exceed five inches in diameter; all excavations in streets, removals and replacements of pavements or sidewalks shall be done under and according to the direction of the Commissioner of Public Works; said company, in acting under this permission, shall be subject to so much of the provisions of the Revised Ordinances of 1880 as require that one wire in each route shall be reserved for the use of the police, and one for the fire alarm telegraph, without charge to the city; for each street opened and used by the company, under this permission, for the purpose of laying therein lines of electrical conductors, it shall pay to the city a sum equal to one cent for each lineal foot of said street occupied.

Said company is required and directed to proceed as rapidly and promptly as may be found practicable in the work of actually laying the electrical conductors and pneumatic tubes as aforesaid.

See resolution of August 30, 1884, p. 377 same volume of Proceedings.

December 5, p. 500.

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Recites, that The Broadway Surface Railroad Company heretofore made application in writing to the Common Council for its consent and permission to be granted to said company, to construct maintain, operate and use a street surface railroad, to be operated by horse power, upon and along the surface of the streets, etc., in the city, and upon the route mentioned in the petition of said company, dated October 3, 1884, addressed to the Common Council, and duly verified on the same day by James A. Richmond, president of said company;—That on receipt of said petition in writing, the Common Council caused public notice of such application, and of the time and place when the same would be first considered, to be published daily for at least fourteen days in two daily newspapers of the city, to wit, the *World* and the *Evening Post*, which papers were designated for that purpose by the Mayor, and said notice having been likewise published daily at least fourteen days in the newspaper called the *Daily Register*;—That on the 29th of October, 1884, at 11 o'clock A. M., at the Chamber of the Board of Aldermen, that being the time and place designated in said notice, a meeting of the Common Council was had to first consider the aforesaid application of said company, and the said application and the accompanying papers having been thereupon referred to the Committee on Railroads, in order that all persons interested might have a hearing, and said Committee having had several sessions at which every person interested either for or against the application, who desired to be heard, was heard, and said Committee having listened to, and received all arguments or evidence offered in support of or against said application, and having made their report to this Board, dated November 10, 1884, accompanied by a record of the proceedings before the Committee, together with all documents or exhibits offered by any or either of the parties, and said report and

record and the accompanying papers having been duly considered by the Board;—That in the opinion of the Common Council, an urgent necessity exists for a railroad in Broadway, between the Battery and Union Square, for the accommodation of the general public;—That in the judgment of this Board it is not expedient to make an auction sale of the consent or permission which alone the Common Council has power to grant for the construction of the proposed railroad, but this Board has determined to exact from any company to whom its consent for the construction of a railroad on Broadway shall be granted, in addition to the percentages on gross receipts, which by law is required to be paid into the City Treasury, such further compensation as shall be just and fair, bearing in mind that the object to be attained is not chiefly revenue, but the promotion of the public interest, by securing an efficient and well conducted railroad, which will afford the greatest accommodation to the public with the least interference with the present use of the street or the pavement thereof or the structures underneath the same;—That a horse railroad can be easily constructed on Broadway, without any protracted interference with the public travel on said street or with the use thereof by carriages, trucks and other vehicles;—And that in the judgment of the Common Council the public inducements offered by the petitioner in the proposed construction and operation of its railroad are superior to those which under the law can be offered by any other company;—Therefore,

The consent of this Board is granted and permission of the Common Council is given to said The Broadway Surface Railroad Company to construct, maintain, operate and use a street surface railroad for public use in the conveyance of persons and property in cars upon and along the surface of the following streets, avenues and highways in the city, to wit : Commencing at the southerly end of Broad-

way near the Battery and running thence with ^{1884—LII} double tracks through and along Broadway and across 14th street to and along Union Square to a point at or near the intersection of 15th street and West Union Square, together with the necessary connections, switches, sidings, turn-outs, turn-tables and suitable stands for the convenient working of said road;

The consent of the Common Council is given and granted to said Company for the construction, etc., of its proposed railroad, as aforesaid, upon the streets, avenues and route hereinbefore mentioned, expressly upon the following conditions and not otherwise :

FIRST : Said railroad shall be constructed according to the most approved plan for the construction of city railroads and with the most approved pattern of steel rails, which shall be laid in such manner as to interfere as little as possible with the use of the surface of the street by trucks, carriages and other ordinary vehicles, and said connections, switches, etc., which shall be necessary for the convenient working of said road, shall likewise be constructed after the most approved plan, and be equal in all respects to the best of their kind now in use on any city railroads in the City of New York.

SECOND : Said railroad shall be operated by horse-power only, and the cars to be run thereon shall be drawn by not less than two horses, and shall each be provided with a conductor as well as a driver ; provided, however, that said company may make use of any motive power suitable for the purposes of a street surface railroad other than locomotive steam power, which may hereafter be consented to by the local authorities and by a majority of the property owners obtained in accordance with the provisions of Chapter 252 of the Laws of 1884.

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THIRD: Said company shall comply with all reasonable ordinances or regulations which the local authorities having charge of streets, highways etc., in the city shall make as to the rate of speed, mode of use of tracks and removal of ice and snow from said tracks as the interest and convenience of the public may require; and this consent is likewise given upon the express condition that said company shall not charge any passenger more than five cents for one continuous ride from any point on its road or on any road or line or branch operated by it or under its control, to any other point thereon, or on any connecting branch thereof, within the limits of the city, and if said company has acquired, or shall hereafter obtain, the right to run its cars upon the existing tracks of The Broadway and Seventh Avenue Railroad Company, or if said last named company has heretofore acquired, or shall hereafter obtain, the right to run its cars on said railroad tracks proposed to be constructed by The Broadway Surface Railroad Company, but one fare of five cents shall be charged for the transportation of a single passenger over the whole or any portion of said respective tracks when run in such connection. Provided, further, that no railroad company shall be permitted to run any cars upon or over any portion of Broadway, below Fifteenth street, unless upon the express condition of payment being made into the City Treasury of three per cent. during the first five years, and five per cent. thereafter, of the gross receipts from passengers riding upon any portion of the railroad tracks which may be constructed pursuant to this consent or permission. And said The Broadway Surface Railroad Company shall also, whenever and as required, and under the supervision of the proper local authorities, have and keep in permanent repair the portion of every street and avenue or highway upon which its tracks shall be constructed pursuant to this consent, between its tracks, the rails of its

tracks, and a space two feet in width outside of ^{1884—LII} and adjoining the outside rails of its track or tracks, so to be constructed, so long as it shall continue to use such tracks so constructed under the provisions of this resolution and consent.

FOURTH: The said The Broadway Surface Railroad Company shall, for and during the first five years after the commencement of the operation of any portion of its railroad constructed pursuant to this consent and permission, annually on the first day of November in each year, pay into the treasury of the City, to the credit of the Sinking Fund thereof, three per cent. of its gross receipts for and during the year ending the next preceding 30th day of September, and also after the expiration of said five years make a like annual payment of five per cent. of its gross receipts into the Treasury of said city to the credit of the Sinking Fund thereof, instead of three per cent.; and if, under any provision of law, said Railroad Company shall permit the cars of any other street surface railroad company to run upon the railroad tracks to be constructed pursuant to this consent and permission, it shall likewise be the duty of said The Broadway Surface Railroad Company to pay or cause to be paid into the Treasury of this city, to the credit of the Sinking Fund thereof, during the first five years, an amount equal to three per cent., and after the expiration of five years an amount equal to five per cent. of the gross receipts of such other railroad company derived from passengers riding in any of its cars on any portion of Broadway south of 15th street, and that, too, whether any of such passengers enter or leave said cars above or below 15th street. And it shall be the duty of the President and Treasurer of said The Broadway Surface Railroad Company, on and before the first day of November in each year, to make a verified report to the Comptroller of the city of the gross amount of its

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receipts derived from passengers riding in its cars for the year ending the next preceding 30th day of September, and the books of said company shall be open to inspection and examination by said Comptroller or his duly appointed agent, at all reasonable times, for the purpose of ascertaining the correctness of said report as to said gross receipts; and it shall be the further duty of The Broadway Surface Railroad Company to ascertain and keep, or cause to be kept, an account of the number of passengers carried in the cars of any other railroad company over any portion of the tracks of The Broadway Surface Railroad Company constructed and laid pursuant to the provisions of this consent, in such manner as shall be approved by the Comptroller of the city. And it is the intention of this provision that for the purpose of computing the percentages to be paid into the City Treasury, pursuant to the terms and conditions of the consent or permission of the Common Council hereby given, each and every passenger riding in either direction on any part of Broadway south of 15th street upon or over any portion of the railroad tracks which shall be constructed by The Broadway Surface Railroad Company pursuant to this consent shall be regarded as having paid five cents fare to the company in whose car he shall ride, and for the payment of the percentages on all fares received from such passengers by any railroad company using such tracks The Broadway Surface Railroad Company shall be responsible.

FIFTH: This consent of the Common Council is likewise given upon the express condition that said The Broadway Surface Railroad Company, in addition to the percentages of gross receipts hereinbefore required to be paid by it into the City Treasury, shall, at the expiration of the first year from the date when the operation of its railroad shall commence, and annually thereafter, pay into

the City Treasury to the credit of the Sinking Fund thereof, by way of rent or as additional compensation, the sum of forty thousand dollars per annum, being equivalent to the interest on one million dollars at four per cent., and said The Broadway Surface Railroad Company shall execute to the Mayor, Aldermen and Commonalty of the City of New York a bond, with at least two sufficient sureties, to be approved as to form and sufficiency of the sureties by any justice of the Supreme Court in the First Judicial District and Department, in the penal sum of one hundred thousand dollars for the due and regular payment of said annual sum of forty thousand dollars, and for the due and regular payment of the aforesaid percentages on gross receipts. ^{1884—Lfr}

SIXTH: The consent herein given is granted likewise on the express condition that all the provisions of Chapter 252 of the Laws of 1884, pertinent thereto, shall be complied with.

SEVENTH: This consent and permission is given upon the further condition that said The Broadway Surface Railroad Company shall, within sixty days after the adoption by the Common Council of the foregoing resolutions, execute, under its corporate seal, to be attested by its President or Treasurer, and by virtue of a resolution of its Board of Directors, an instrument in writing, which shall be delivered to the Comptroller of the City, and which shall contain and express the acceptance by said company of the aforesaid consent and permission of the Common Council for the construction, use and operation by said company of its proposed railroad upon the streets and route above mentioned, upon the aforesaid terms and conditions upon which the said consent or permission is granted and binding, said company to abide by, comply with, fulfill, perform and keep the terms and conditions aforesaid, and also binding said company to

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build, equip and commence to operate its proposed railroad within one year after it shall obtain the consent of the requisite number of property owners, or the report of Commissioners confirmed by the Court, as required by the Constitution and Laws of this State, and likewise binding said company to prosecute with diligence all necessary proceedings to perfect its right to build, construct and operate its proposed railroad, but no delays which may occur by reason of injunctions or hostile legal proceedings shall affect in any manner the consent or permission hereby granted, provided said company shall proceed with reasonable diligence to build, complete and commence to operate its proposed railroad after removal of such legal obstacles, and shall execute and deliver to the Comptroller the obligation or instrument of acceptance aforesaid within sixty days after the removal of said legal obstacles.

But it is further provided that in the event of the failure or neglect of said company to make said report and the payment of the said percentages as hereinbefore directed and required, then and in that event the provisions of Section 8, of Chapter 252 of the Laws of 1884, providing for a forfeiture of the rights, privileges and franchises of such company, shall be applicable.

December 5, p. 511.

Recites the adoption of the foregoing resolution giving consent of the Common Council to the Broadway Surface Railroad Company for the construction etc., of its proposed road;—that such consent is intended by the Board in lieu of and in substitution for, the resolution adopted August 30 last, notwithstanding the objections of the Mayor;—therefore, repeals, rescinds and annuls the said resolution of August 30, 1884. (See proceedings 1884, p. 379.)

December 20, p. 529.

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Grants the consent of this Board and gives the permission of the Common Council to The Bleeker Street and Fulton Ferry Railroad Company to construct, maintain, operate and use an extension or branch of the railroad of said company for public use in the conveyance of persons and property in cars upon and along the surface of the following streets, avenues and highways in the city, to wit: Commencing at the tracks of said Company in Park Row, opposite the street or highway bounding the southerly side of City Hall Park, known as Mail street, and running thence westerly across Park Row and through and along said Mail street, to the middle of Broadway, said extension or branch to be constructed in such manner as that there will be a single or double track in said street known as Mail street, from the tracks of said Railroad Company, in Park Row to any tracks that may be constructed in Broadway, together with such switches, curves, sidings, turn-outs, turn-tables and suitable stands as may be necessary for the convenient working of such road and such extension or branch in connection with the aforesaid road owned by said The Bleeker street and Fulton Ferry Railroad Company and which is now used and operated by its lessee ;—

The consent of the Common Council is given and granted to said The Bleeker Street and Fulton Ferry Railroad Company for the construction, maintenance and use of the proposed extension of its railroad as aforesaid upon the streets, avenues and route hereinbefore mentioned, expressly upon the following conditions and not otherwise :

FIRST : Said extension shall be constructed according to the most approved plan for the construction of city railroads and with the most approved pattern of steel rails, which shall be

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laid in such manner as to interfere as little as possible with the use of the surface of the street by trucks, carriages and other ordinary vehicles; and said connections, switches, sidings, turn-outs, turn-tables and suitable stands which shall be necessary for the convenient working of such road and extension shall likewise be constructed after the most approved plan, and shall be equal in all respects to the best of their kind now in use on any such railroad in the city.

SECOND: The said railroad extension shall be operated by horse-power only, provided, however, that said company may make use of any motive power suitable for the purposes of street surface railroads, other than locomotive steam-power, which may hereafter be consented to by the local authorities and by a majority of the property-owners obtained in accordance with the provisions of Chapter 252 of the Laws of 1884.

THIRD: Said company shall comply with all reasonable ordinances and regulations which the local authorities having control of the streets, highways etc. in the city shall make as to rate of speed, mode of use of tracks and removal of ice and snow from said extension as the interests and convenience of the public may require. This consent is likewise given upon the express condition that said company shall not charge any passenger more than five cents for one continuous ride from any point on its road or any road, line or branch operated by it or under its control, or operated or controlled by its lessee, to any other point thereon, or on any connecting branch thereof within the limits of the city, the intention being that but one fare of five cents shall be charged for the transportation of a single passenger over the whole or any portion of the railroad route of said company when the extension, for the construction of which permission is here-

by granted shall be made. This consent is like- 1884—LII
 wise given upon the express condition that said
 The Bleecker street and Fulton Ferry Railroad
 Company shall also whenever and as required,
 and under the supervision of the proper local au-
 thorities, have and keep in permanent repair the
 portion of every street, etc. upon which its tracks
 shall be extended and constructed pursuant to this
 consent, between its tracks, the rails of its tracks
 and a space two feet in width outside of and ad-
 joining the outside rail of its track or tracks so
 be extended and constructed so long as it shall
 continue to use such extended tracks constructed
 under the provisions of this resolution and consent.

FOURTH: Said The Bleecker Street and Fulton
 Ferry Railroad Company shall, for and during the
 first five years after the commencement of the
 operation of said extension of its railroad to be
 constructed pursuant to this consent and permis-
 sion, annually, on the first day of November of
 each year, pay into the Treasury of the city, to the
 credit of the Sinking Fund thereof, three per cent.
 of its gross receipts for and during the year end-
 ing the next preceding 30th day of September,
 and also after the expiration of said five years make
 a like annual payment of five per cent. of its gross
 receipts into the Treasury of said city, to the credit
 of the Sinking Fund thereof, instead of three per
 cent., provided, however, that said Railroad Com-
 pany, or its lessee, shall pay such percentages as
 aforesaid only upon such portion of its gross re-
 cepts as shall bear the same proportion to the
 whole value thereof as the length of such con-
 struction and branch shall bear to the entire length
 of its tracks, as provided by Section 8 of Chapter
 252 of the laws of 1884. And it shall be the duty
 of the President and Treasurer of said Railroad
 Company, on or before the first day of November
 in each year, to make a verified report to the Com-
 troller of the City of the gross amount of its re-

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ceipts for the year ending the next preceding 30th day of September, and the books of said company shall be open to inspection and examination by said Comptroller or his duly appointed agent for the purpose of ascertaining the correctness of said report as to said gross receipts.

FIFTH: This consent of the Common Council is likewise given upon the express condition that all the provisions of chapter 252 of the laws of 1884, pertaining to the extension for the construction of which the permission of the Common Council is hereby given, shall be in all things complied with by said The Bleecker street and Fulton Ferry Railroad Company, or its lessee.

December 26, p. 539.

Gives permission to the Forty-second street, Manhattanville and St. Nicholas Avenue Railroad Company to place and keep a circular starter's box, not exceeding nine feet in height, at the southwest corner of 42nd street and Fourth avenue, the work to be done at its own expense, under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of Common Council.

December 27, p. 540.

The consent of the Mayor, Aldermen and Commonalty of the City of New York (being the local authorities having control of those streets or highways upon which it is proposed to construct and operate the railroad hereinafter mentioned) is given to the Thirty-fourth Street Railroad Company (a corporation organized under, pursuant to and by virtue of an act of the State of New York, enti-

tled "An Act to provide for the construction, ex-^{1884—LII} tension, maintenance and operation of street surface railroads and branches thereof in cities, towns and villages," passed May 6, 1884, and which company has applied for this consent in writing) to construct, maintain, operate, use said surface railroad or branches for public use in the conveyance of persons and property in cars for compensation, in this city, and to construct, maintain, operate and use such switches, sidings, turn-outs, turntables and suitable stands as may be necessary for the convenient working of such road and branches on the surface of the soil, through, upon and along any or all of the following streets, avenues, roads or highways of this city, to wit:

From connections with the Hudson River at the foot of West 34th street, through, along and upon West and East 34th streets to connections with the ferry at the foot of East 34th street, East River.

From connections with this company's route in West 34th street at Tenth Avenue, through, along and upon Tenth Avenue to West 42nd street. Thence through etc. West 42nd street to connections with the ferries at the foot of that street, Hudson or North River.

And also through, along and upon any private property which said company may acquire for the purpose of its railroad and business.

Said route may be laid with double tracks of iron or steel, or steel-faced rails.

And said company may operate any or all portions of its road by animal or horse-power, or by cable traction, or by any power which it may elect other than locomotive steam-power.

Resolved, That this consent is granted upon the express condition that the provisions of said act of the State of New York, above mentioned, pertinent thereto, shall be complied with by said Company, its successors and assigns.

Resolved, That the proofs of due publication for at least fourteen days in two daily newspapers in

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this city, designated by the Mayor, of the notice of this application of the Thirty-fourth Street Railroad Company, and of the time and place when and where such application would be first considered, be and are filed with the Clerk of the Common Council.

Resolved, That the Commissioner of Public Works is directed to issue necessary permits to the said Railroad Company for taking up the pavements, laying their tracks and restoring the pavements at the proper cost and charges of said railroad company in the above enumerated streets of this city, when and as applied for by said company.

Resolved, That these resolutions be duly authenticated in duplicate, and one of such originals be filed with the Clerk of New York County, as directed by law, and the other with the Clerk of the Common Council.

December 30, p. 547.

The consent of this Board is given and granted and the consent, permission and authority of the Common Council is given to the Chambers street and Grand street Railroad Company, to construct, maintain and operate a street surface railroad, with the necessary sidings, switches, turn-outs and turn-tables, through, upon and along the surface of the following-named slip, streets and highways in the city, to wit:

Commencing at the foot of Roosevelt street, East River; thence through, along and upon South street, James Slip, and New Chambers street to Chatham street, with double tracks; thence, with single track, across Chatham street to Chambers street and along Chambers street to Pavonia Avenue ferry foot of Chambers street, North River; thence returning, with single or double tracks,

through, upon and along West street to Duane^{1884—LII} street; thence through, upon and along Duane street, with single track to and across Chatham street to connect with their double tracks at New Chambers street. Also from New Chambers street, at Madison street, along Madison street, with double tracks to Grand street; thence along Grand street, with double or single tracks to the ferry at the foot of Grand street. Also from Madison street, at Jackson street, along Jackson street, with double or single tracks to Cherry street; thence along Cherry street, with double or single tracks to the East River; thence along East street, with double or single tracks, to connect with their tracks at the foot of Grand street, East River.

The foregoing consent, authority and permission is given and granted to said company, upon the following conditions:

FIRST: The said railroad shall be operated by horse-power.

SECOND: The said railroad and said sidings, switches, turn-outs and turn-tables shall be constructed upon the best plan for the construction of street surface railroads, sidings, switches, turn-outs and turn-tables in use in said city at the date of their construction, and the material used in such construction shall be of the best quality and most approved pattern, which plan of construction, quality and pattern of material, number and location of sidings, switches, turn-outs and turn-tables, shall be subject to the approval of the Commissioner of Public Works of said city.

THIRD: Said corporation shall comply with each and every of the provisions of chapter 252 of the Laws of 1884 pertinent thereto.

FOURTH: The foregoing consent is given and granted upon the express condition that the provisions of chapter 252 of the Laws of 1884 pertinent thereto shall be complied with.

July 13, p. 248.

Gives permission to the Forty-second street, Tenth Avenue and Manhattanville Railroad Company to change the curb at the intersection of 129th and Manhattan streets, according to the plan annexed, the work to be done at their own expense, under the direction of the Commissioner of Public Works; the permission to continue only during the pleasure of the Common Council.

July 17, p. 254.

Gives permission to William S. Thorne [Second Avenue Railroad Company] to place and keep a circular shelter house, for switchman, not over four feet diameter, on the northwest corner of Second avenue and 10th street; such permission to continue only during the pleasure of the Common Council.

August 4, p. 305.

Gives permission to the Broadway Surface Railroad to erect and keep a temporary booth at Bowling Green, opposite Beaver street; the permission to continue only during the pleasure of the Common Council.

August 5, p. 310.

Grants consent and gives permission and authority, to the Fulton, Wall Street and Cortlandt Street Ferries Railroad Company, to construct, maintain and operate a street surface railroad, with the necessary connections, sidings, switches,

turn-outs and turn-tables, through, upon and ^{1885—LIII} along the surface of the following-named streets and highways in the city, viz:

Commencing at the ferry, foot of Fulton Street, East River; thence through etc. South street and Maiden Lane, with double tracks, to the intersection of Liberty street with Maiden Lane; thence through etc. Maiden Lane and across Broadway, with single track, to Cortland street; thence through etc. Cortland street with single track, to the ferry at the foot of Cortland street; thence through etc. West street, with single track, to the ferry at the foot of Liberty street; thence through etc. Liberty street, with single track, to connect with their double tracks at the intersection of Liberty street with Maiden Lane.

Also, from the ferry at the foot of Wall street, East River; thence through etc. Wall street with double track to William street; William street, with single track, to Pine street; Pine street, with single track, to Broadway; Broadway, with double or single track, to Cortlandt street; Cortlandt street, on its aforesaid single track, to the ferry at the foot of said street; thence through etc. West street, on its aforesaid single track, to the ferry at the foot of Liberty street; thence through etc. Liberty street, on its aforesaid single track, to connect with their double tracks at Broadway and Liberty street; thence through etc. Broadway, with double or single track, to Wall street; thence through etc. Wall street, with single track, to connect with their double tracks at William Street;

And the foregoing consent, authority and permission is given and granted to said company upon the following conditions, viz:

FIRST: Said railroad shall be operated by horse-power.

SECOND: Said railroad and said sidings, connec-

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tions, switches, turn-outs and turn-tables shall be constructed upon the best plan for the construction of surface railroads, sidings, switches, turn outs, turn-tables and connections in use in said city at the time of their construction, and the material used in such construction shall be of the best quality and most approved pattern, which plan of construction, quality and pattern of material, number and location of connections, sidings, switches, turn-outs and turn-tables shall be subject to the approval of the Commissioner of Public Works of said city.

THIRD: Said corporation shall comply with each and every of the provisions of Chapter 252 of the Laws of 1884, pertinent thereto.

FOURTH: The foregoing consent is given and granted upon the express condition that the provisions of Chapter 252 of the Laws of 1884 shall be complied with.

August 19, p. 347.

Recites, that the Fourth Avenue Improvement was perfected with the understanding that rapid transit should be furnished to residents of the upper part of the city, etc.;—that there are no passenger stations on the line of said improvement, between 86th and 110th streets, and a station midway between these points would be a great accommodation, etc.;

Therefore,

Gives the consent of the Common Council to the occupation of so much of the roadway or sidewalk of East Ninety-eighth street, at or near its intersection with Fourth avenue, as may be necessary to admit of the erection of a passenger station by the New York and Harlem Railroad Company,

subject to the approval of the Commissioner of ^{1885—LIII} Public Works, and said railroad company, so far as the Common Council has power, is directed to erect and maintain a passenger station at Fourth avenue and East 98th street.

October 27, p. 563.

Gives permission to the Second Avenue Railroad Company to place and keep a starter's box, seven feet high and four feet six inches wide, for protection in inclement weather, in front of No. 1 Astor Place, the work to be done at their own expense, under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

November 10, p. 602.

Gives the consent of the Common Council, as the "local authorities" mentioned in sections 3 and 4 of Chapter 252 of the Laws of 1884, to the Thirty-fourth Street Ferry and Eleventh Avenue Railroad Company, to construct, maintain and operate a street surface railroad, for the conveyance of persons only, with the necessary connections, sidings, switches, turn-outs and turn-tables through, along and upon the surface of the following-named streets, avenues and highways, in the city, viz.: Commencing at or near the ferry, foot of 34th street, East River; thence, with double tracks, through, along and upon 34th street, Lexington avenue and 32nd street, to Fourth avenue.

Also from their tracks in Lexington avenue, at 33rd street, through etc. 33rd street, with single track, to Fourth or Park Avenue; thence through, along and across Fourth or Park avenue to 32nd

street, with single track; thence through etc. 32nd street, with single track, to Tenth avenue; thence through etc. Tenth avenue, with double or single track, to 34th street; thence through etc. 34th street, with double tracks, to Eleventh avenue; thence through etc. Eleventh avenue, with double track, to 106th street.

Also from their double tracks at 33rd street and Tenth avenue, through etc. 33rd street, with single track, to Fourth or Park avenue; thence through, along, across etc. Fourth or Park avenue, with single track, to 32nd street, there to connect with their double tracks on 32nd street.

Also from their tracks at First avenue and 34th street, through etc. First avenue, with double or single track, to 32nd street; thence through etc. 32nd street, with single track, to connect with their double tracks at Lexington avenue and 32nd street.

Also from their tracks at First avenue and 33rd street, through etc. 33rd street, with single track, to and across Lexington avenue, there to connect, with single track in 33rd street.

Also from their tracks at First avenue and 33rd street, through etc. 33rd street, with double tracks, to and through private property to the ferry at the foot of 33rd and 34th streets, East River.

Also from their tracks at 34th street and Eleventh avenue, through etc. 34th street, with double tracks, to the North River.

Also from their tracks at 42nd street and Eleventh avenue, through etc. 42nd street, with double tracks, to the ferry at the foot of 42nd street, North River.

Also from their tracks at 57th street and Eleventh avenue, through etc. 57th street, with double tracks, to the North River.

Also from their tracks at 65th street and Eleventh avenue, through etc. 65th street, with single track, to Eighth avenue; thence through etc. Eighth avenue, with single track, to 66th street; thence

through etc. 66th street, with single track, to ^{1884—LIII} Eleventh avenue, there to connect with their double track.

The foregoing consent, authority and permission is given and granted to said company upon the following conditions, viz.:

FIRST : Said railroad shall be operated by horse-power.

SECOND : Said railroad and said sidings, connections, switches, turn-outs and turn-tables shall be constructed upon the best plan for the construction of surface railroads, sidings, switches, turn-outs, turn-tables and connections in use in said city at the time of their construction, and the material used in such construction shall be of the best quality and of the most approved pattern; which plan of construction, quality and pattern of material, number and location of connections, sidings, switches, etc. shall be subject to the approval of the Commissioner of Public Works of said city.

THIRD : Said corporation shall comply with each and every of the provisions of Chapter 252 of the laws of 1884, pertinent thereto.

FOURTH : The foregoing consent is given and granted upon the express condition that the provisions of Chapter 252 of the laws of 1884, pertinent thereto, shall be complied with.

December 14, p. 694.

Gives permission to the Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company to erect a starter's box on the northwest corner of 42nd street and Seventh avenue, four feet wide and eight feet long, the work to be done at

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its expense, under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

December 15, p. 697.

Gives permission to the Bleecker Street and Fulton Ferry Railroad Company to erect a starter's box, about four feet square and seven feet high, on the sidewalk east of the Hall of Records, to be placed alongside of the telegraph pole, the work to be done at the expense of the company, under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

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APPROVED IN 1886. VOL. 53.

January 12, p. 770.

An ordinance for licensing drivers of railroad cars driven on the surface of the streets in the City of New York.

SECTION 1. No person shall drive any railroad car, while carrying passengers, in any of the streets of this city, unless he be twenty-one years of age, a resident of this State for one year, and of the city for four months, and have obtained license from the Mayor for such purpose, under a penalty of \$25 for every such offense, to be recovered from the owner or owners of such railroad car, and from such driver, both or either.

SECTION 2. The Mayor is authorized to grant licenses from time to time, to drivers of such cars, as often as may be necessary, and to suspend and

revoke the same whenever he may deem it expedient; and every driver of such car shall, on receiving his license, pay therefor, to the Mayor, for the use of the City, the sum of one dollar, which will entitle every such driver to drive one such car for one year from the date of such license, and every renewal thereof shall be fifty cents, payable in like manner, and for a like purpose, to the Mayor.

SECTION 3. Repeals all ordinances or parts of ordinances inconsistent or conflicting with the provisions of this ordinance.

SECTION 4. This ordinance shall take effect on the 1st day of January, 1886.

(Amended March 10th, 1886. See next ordinance.)

APPROVED IN 1886. VOL. 54.

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March 10, p. 54.

Amends Section 2 of the ordinance last above mentioned by adding thereto at the end thereof the following sentence: "Every such driver shall while at work wear conspicuously upon his breast a badge having legibly engraved thereon the words 'Licensed car driver,' together with the number of his license, such badge to be approved and furnished by the Mayor's Marshal."

March 16, p. 61.

Grants the consent of this Board and gives the permission of the Common Council to the Southern Boulevard Railroad Company to construct, main-

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tain, operate and use a street surface railroad, with the necessary connections, sidings, switches, turn-outs and turn-tables, through, upon and along the surface of the following streets and highways in the city, to wit :

From the beginning of the said Southern Boulevard at the upper end of the iron bridge crossing the Harlem River on the line of Third avenue; thence through, upon and along the said Southern Boulevard and across the intersecting streets, avenues and highways, as said Southern Boulevard winds and turns, until it reaches Boston avenue, formerly called the Boston post-road, the length of said proposed railroad being about three and one-half miles.

The foregoing consent, authority and permission is given and granted to said company, upon the following conditions, viz :

FIRST.—That said railroad, and said sidings, connections, switches, etc. shall be constructed upon the best plan for the construction of surface railroads, sidings, etc. in use in said city at the time of their construction.

SECOND.—That said corporation shall comply with each and every of the provisions of Chapter 252 of the Laws of 1884, pertinent thereto.

THIRD.—The foregoing consent is given and granted upon the express condition that the provisions of Chapter 252 of the Laws of 1884 shall be complied with.

May 7, p. 118.

Gives permission to the New York, Lake Erie and Western Railroad Company to lay rails across Thirteenth avenue, between 22nd and 23rd streets,

so that freight cars may be moved between said ^{1886—LIV} company's pier on westerly side of said avenue, and its depot on the easterly side thereof, provided that such freight shall not be moved by locomotive steam power and that said company shall have no right to ask or receive any compensation for moving the same, the rails to be laid flush with the surface of the avenue, so as not to interfere with the use thereof by the public, the work to be done at the expense of said company under the direction of the Commissioner of Public Works; the permission hereby granted to be revocable at the pleasure of the Common Council.

June 10, p. 154.

Gives permission to the Wielding Motor Company to lay a temporary railroad track from the yard of the Delamater Iron Works, in front of No. 510 West 14th street, being on the south side of said street, between Tenth and Eleventh avenues, so as to connect with the tracks of the Bleecker Street and Fulton Ferry Railroad, as they are now laid in said West 14th street, provided that the consent of said railroad company be first obtained; that the tracks be laid flush with the surface of the street so as to present no impediment to the free use of the street by the public, and that said Wielding Motor Company shall stipulate with the Commissioner of Public Works to remove said rails and restore the said street to the condition in which it existed previous to laying said rails, upon the expiration of three months from the date of the approval of the resolution by the Mayor, that being the time for which this permission is given and granted to said company by this resolution.

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July 26, p. 192.

Gives permission to the Fifth Avenue Transportation Company (Limited) to place and keep a starter's box, not to exceed four by five feet, and seven feet high, on the sidewalk, near the curb, on the northeast corner of South Fifth avenue and Bleecker street, the work to be done at the expense of the company, under the direction of the Commissioner of Public Works; the permission to continue only during the pleasure of the Common Council.

October 6, p. 364.

Gives permission to the Chambers Street and Crosstown Railroad Company to erect a starter's box, four feet square and seven feet high, at the foot of James Slip, the work done at their own expense, under the direction of the Commissioner of Public Works; the permission to continue only during the pleasure of the Common Council.

October 21, p. 385.

Gives permission to the Harlem Electric Illuminating Company to light the bridge crossing Harlem River, at Third avenue, with electric lights, for a period of thirty days, the work to be done at the company's expense, under the direction of Commissioners of the Department of Public Parks.

October 29, p. 403.

Allows the Harlem Electric Illuminating Company to run wires to the Democratic Club House, subject to Subway Commission.

November 17, p. 412.

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Gives permission to the Central Park, North and East River Railroad Company to erect a starter's box, three feet six inches by six feet, on that part of 43rd street, east of First Avenue, not open to public travel, the work to be done at the company's expense, under the direction of the Commissioner of Public Works; the permission to continue only during the pleasure of the Common Council.

November 30, p. 431.

Recites. That the Twenty-eighth and Twenty-ninth Streets Railroad Company, a corporation duly incorporated and existing under the laws of this state for the purpose of providing street railroad facilities, for compensation, in the city of New York, heretofore made application in writing to the Common Council for consent to the construction, maintenance, use and operation of a street railroad upon and through the streets and avenues in said city, mentioned in said application, dated January 11, 1886;—

That said Common Council caused public notice of said application, and of the time and place when the same would be first considered, to be given by a notice thereof published daily for at least fourteen days in two daily newspapers of the city, to wit: the *Sun* and the *Star*, which papers were designated for that purpose by the Mayor;—

That on January 29, 1886, at 12 o'clock noon, at the Chamber of the Board of Aldermen of said city, that being the time and place designated in said notice, at a meeting of the Common Council, said application was first considered;—

That the same was further considered thereafter at an adjourned meeting of said Common Council,

and all persons desirous of being heard in reference thereto were heard;—

Therefore, pursuant to Chapter 642 of the laws of 1886,—

The consent of the Common Council of the city is given to the said Twenty-eighth and Twenty-ninth Streets Railroad Company to the construction, maintenance, use and operation upon the conditions hereinafter named, and not otherwise, of a street railroad upon and through the streets and avenues in said city, mentioned and described in said petition as follows, to wit:

Commencing at or near the ferry landing at West 42nd street and North River, and running thence on West 42nd street, with double tracks, to Eleventh avenue; thence on Eleventh avenue, with double tracks, to West 34th street; also from West 34th street and North River on West 34th street, with double tracks, to Tenth avenue; thence on Tenth avenue, with double tracks, to West 30th street; thence on West 30th street, with single track and turn-out, to Ninth avenue; thence on Ninth avenue, with double tracks, to West 29th street and to West 28th street; thence on West and East 29th street and on West and East 28th street, with a single track in each street, to First avenue; thence on First avenue, with double tracks, to East 24th street; thence on East 24th street, with double tracks, to Avenue A; thence on Avenue A, with double tracks, to East 23rd street; thence on East 23rd street, with double tracks, to the ferries at East 23rd street and East River; also from East 28th street and First avenue, on First avenue, with double tracks, to East 34th street; thence on East 34th street, with double tracks, to the ferry landing at East 34th street and East River; or from First avenue and East 33rd street on East 33rd street and private property, with double tracks, to the last mentioned ferry landing; also from Ninth avenue and West 29th street on West 29th street, with single track, to

Tenth avenue; thence on Tenth avenue, with double tracks, to West 28th street, or by continuing single track on West 29th street to Eleventh avenue, and thence on Eleventh avenue, with single track, to West 28th street; also from Ninth avenue and West 28th street, on West 28th street, with single or double tracks, to Eleventh avenue; thence on Eleventh avenue, with double tracks, to West 24th street; thence on West 24th street, with double tracks, to Thirteenth avenue; thence on Thirteenth avenue, with double tracks, to West 14th street and North River; with all necessary switches, turn-outs, turn-tables, connections and stands for the proper and convenient working of said road.

The conditions upon which, and not otherwise, said consent is given, are as follows, to wit:

FIRST: That the provisions of Chapter 252 of the Laws of 1884, pertinent thereto, shall be complied with.

SECOND: That the right, franchise and privilege of using said streets and avenues to construct, etc., a street surface railroad upon said streets and avenues, subject to all the provisions of chapter 252 of the Laws of 1884, and of chapter 642 of the Laws of 1886, shall be sold at public auction to the bidder, which shall be an incorporated railroad or railway company organized to construct, maintain and operate a street railroad in the City of New York, for which such consent is given and which will agree to give the largest percentage per annum of its gross receipts with adequate security by a bond or undertaking in writing, and under seal, in such form, condition, amount and sureties as shall be required and approved by the Comptroller of the city for the fulfillment of said agreement and for the commencement and completion of such road according to the plan or plans, and on the route or routes fixed for its construction within

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the time or times designated and prescribed therefor by the provisions of Chapter 642 of the laws of 1886.

THIRD: That in the construction of said railroad and its equipment, the materials and work employed shall be of the best quality and character, and said railroad shall be constructed with side-bearing rail, having the outer edge of bearing flush with pavement, with inside drop, not exceeding one inch in depth, and that the cars thereon shall be run as frequently as the convenience of the public may require, and that no freight cars shall be run upon the routes or any of them, or any part thereof, included in the said consent; which plan of construction, quality and pattern of material, number and location of sidings, switches, turn-outs, and turn-tables shall be subject to the approval of the Commissioner of Public Works of said city.

FOURTH: That the bidder to which the aforesaid sale shall be made, and any person or corporation using the tracks, or any part of the tracks, constructed or laid under or in pursuance of this consent, shall comply with all reasonable ordinances or regulations which the local authorities having charge of the aforesaid streets and avenues, or any of them, shall make as to the rate of speed, mode of use of tracks, and removal of ice and snow, and with any and all provisions of law applicable to any street surface railroad company organized under chapter 252 of the Laws of 1884, and shall not charge any passenger more than five cents from or to any point on the route hereinabove described, nor from any point on said route or any route connecting with the route hereinabove described, to any point on said route or any route connecting with the route herein above described, but shall give transfer tickets to a passenger when

necessary to secure, and which shall secure to him, ^{1886—LIV} one continuous ride between such points for the single fare of five cents.

And said bidder, as to the whole route herein-above described, shall be absolutely and unqualifiedly bound, and any person or company using or operating a railroad upon the tracks, or any part of the tracks, constructed upon said route under or by virtue of the consent hereby given or the sale had in pursuance thereof, as to the tracks so used by it or him, shall be jointly and severally bound with the said bidder absolutely and unqualifiedly to repair and keep in permanent repair the portion of said streets and avenues upon which the tracks shall be so constructed, between the tracks, the rails of the tracks and a space two feet in width outside of and adjoining the outside rails of the track or tracks, so long as such tracks so constructed shall continue to be used, and this obligation in respect to the repairing of the streets shall not be dependent upon the requirements of the local authorities, but is hereby made an absolute and unqualified obligation; and they shall in like manner and to a like extent be bound to and shall remove the snow from the same parts of the streets or avenues immediately after it shall have fallen, or as soon as possible thereafter, and not merely to clear the tracks and the space between them by removing the snow to the space intervening between the tracks and the curb-stones, but to remove the snow entirely from that portion of the street or avenues made use of for the construction and operation of the railroad, so far as such snow may have fallen or ice may have been formed upon said tracks, or upon the space between them, or the designated two feet of space upon each side of the outside of said tracks; the snow or ice so removed to be taken from the street and deposited at the nearest or most convenient place used by the city authorities for the deposit of snow removed by themselves.

FIFTH: That the railroad to the construction or operation of which this consent is given shall be operated only by animal or horse power, and that no cars shall be operated by any person or company over the route hereinabove described, and under or by virtue of this consent, by any other than animal or horse power, unless the right so to do shall be acquired as provided by section 12 of chapter 252 of the Laws of 1884.

SIXTH: That any person or company who shall use or operate a railroad upon the tracks, or any part of tracks, constructed upon the route hereinabove described, under or by virtue of the consent hereby given, or the sale had in pursuance thereof, shall be subject to the same conditions, liabilities, obligations, duties and payments in respect to such use or operation by him or it or upon such tracks as the bidder to whom the sale shall be made under this consent would be subject were such use or operation made by such bidder, and in computing any percentage upon gross receipts that may thereby become payable, the amount thereof shall be computed upon a fare of five cents as having been received as part of the gross receipts from every passenger who shall ride upon any part of the route hereinabove described, and irrespective of the fact whether such passenger enters or leaves the car at any point upon the said route, and the bidder to whom such sales shall be made shall be jointly and severally liable with any such person or company for any default in any of such conditions, liabilities, obligations, duties and payments.

SEVENTH: That the percentage upon gross receipts, payable under the bid at such sale, shall be made annually on the 1st day of November for the year ending on the next preceding 30th day of September.

EIGHTH: That the said Twenty-eighth and Twenty-ninth Streets Railroad Company shall provide for the expense of publication of the aforesaid notice of sale before said notice shall be published and the company which, at said sale, shall be the highest bidder, shall at the time and place of sale reimburse said Twenty-eighth and Twenty-ninth Streets Railroad Company for all expenses for printing and publishing necessarily incurred by it upon the application and sale herein, under the provisions of said chapter 252 of the Laws of 1884, and of said chapter 642 of the Laws of 1886. ^{1886—LIV}

NINTH: This consent is given and said sale shall be made upon the express understanding that the conditions herein stated do not relieve said bidder or any person or company operating a road upon any of the tracks constructed under this consent from any conditions, obligations, liabilities, payments or duties to which they might have been liable in the absence of such conditions.

TENTH : If the bidder shall not furnish satisfactory security, the Comptroller may cancel the bid and sell this consent and the license in the same manner as is provided by Chapter 642 of the Laws of 1886.

ELEVENTH : That the said bidder shall, within thirty days after the sale at public auction, execute under its corporate seal, to be attested by its president or treasurer, and by virtue of a resolution of its Board of Directors, an instrument in writing which shall be delivered to the Comptroller of the city, and which shall contain and express the acceptance by said bidder of this consent of the Common Council for the construction, maintenance, use and operation of the proposed railroad upon the streets and avenues above mentioned upon the terms and conditions upon which this consent is granted, and binding said company to

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abide by, comply with, faithfully perform and keep said terms and conditions.

The sale at public auction of the right, franchise and privilege mentioned above shall be attended and conducted by the Comptroller of the city, and shall be held at a place in the city to be designated by him, and on the earliest practicable day to be designated by him, or at such time to which the same may be adjourned from the day specified in the notice so published, not exceeding twice, for a period not exceeding four weeks in the aggregate, and only after notice of the time, place and terms thereof and of the route or routes to be sold, and of the conditions upon which this consent is given shall have been published by said Comptroller three times a week for at least three weeks in two daily newspapers in said city, to be designated by the Mayor, and if the bidder shall not furnish satisfactory security said Comptroller may cancel the bid and sell this consent and the license in the same manner as is provided by chapter 642 of the Laws of 1886.

December 7, p. 452.

Authorizes the Harlem Lighting Company to erect, construct and maintain suitable wires or other conductors over the streets and avenues of the Twelfth, Twenty-third and Twenty-fourth Wards of the city, for conducting and distributing electricity for electric lights, subject to the powers of the Subway Commission, under the supervision of the Department of Public Works in the Twelfth ward, and under the supervision of the Department of Public Parks in the Twenty third and Twenty-fourth wards, but without the privilege of erecting poles.

December 10, p. 458.

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Gives permission to the Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company to erect and keep a starter's box, six feet by six, and seven feet high, on the southeast corner of Boulevard and 86th street, the work to be done at the expense of the company, under the direction of the Commissioner of Public Works; the permission to continue only during the pleasure of the Common Council.

December 14, p. 469.

Recites, That on July 21, 1886, an application in writing was made to the Common Council, by the St. Nicholas Avenue and Crosstown Railroad Company, for consent to the construction, use, maintenance and operation of a street surface railroad upon, through and along St. Nicholas avenue and other streets and highways in such city designated in the application of said company as the route or routes of its proposed railroad;—

That said Common Council caused public notice of such application, and of the time and place when the same would be first considered, to be given by publication for at least fourteen days in two daily newspapers of the city, to wit: in the *Evening Post* and the *Daily News*, which papers were designated for that purpose by the Mayor;—

That after public notice given as aforesaid, such application has been duly considered by the said Common Council;—

Therefore, pursuant to Chapter 642 of the Laws of 1886,—

The consent of the Common Council of the city of New York is given to the said St. Nicholas Avenue and Crosstown Railroad Company to the construction, maintenance, use and operation upon the conditions hereinafter named, and not other-

wise, of a street surface railroad, upon, through and along the streets and avenues in said city, mentioned and described in said petition, as follows, to wit:

Commencing on East 116th street, at or near the Harlem river; thence through, upon and along East and West 116th street to New or Manhattan avenue; thence through, etc. New or Manhattan avenue, with double tracks, to Avenue St. Nicholas; thence through, etc. Avenue St. Nicholas, with double tracks, to the northerly terminus thereof.

Also from Avenue St. Nicholas at 126th street, through, etc. 126th street, with double tracks, to Lawrence street; thence through, etc. Lawrence street, with double tracks, to Broadway; thence through, etc. Broadway, with single track, to 130th street; thence through, etc. 130th street, with single track, to Twelfth avenue; thence through, etc. Twelfth avenue, with single track, to 129th street; thence through, etc. 129th street, with single track, to Lawrence street; thence through, etc. Lawrence street, with single track, to connect with the double track at Broadway.

Also from Avenue St. Nicholas at 135th street, through, etc. 135th street, with double tracks, to Fourth avenue; thence through, etc. Fourth avenue, with double or single tracks, to 128th street; thence along and across Fourth avenue and through, etc. 128th street, with single or double tracks, to Second avenue.

Also from tracks at Third avenue and 128th street, through, etc. Third avenue, with single or double tracks, to 129th street; thence through, etc. 129th street, with double or single tracks, to connect with the tracks at Fourth avenue.

Also from 129th street, through, etc. Fourth avenue, east of the Harlem Railroad, with single track, to connect with tracks at 128th street, together with the necessary switches, sidings, turn-

outs, turn-tables and suitable stands for the convenient working of the road. ^{1886—LIV}

The conditions upon which, and not otherwise, said consent is given are as follows, to wit:

FIRST: That the provisions of chapter 252 of the Laws of 1884, pertinent thereto, shall be complied with.

SECOND: That the right, franchise and privilege of using said streets and avenues to construct, maintain, use and operate a street surface railroad upon said streets and avenues, subject to all the provisions of chapter 252 of the laws of 1884, and of chapter 642 of the laws of 1886, shall be sold at public auction to the bidder, which shall be an incorporated railroad or railway company organized to construct, maintain and operate the street railroad in the city for which such consent is given, and which will agree to give the largest percentage per annum of its gross receipts, with adequate security by a bond or undertaking in writing, and under seal, in such form, condition, amount and sureties as shall be required and approved by the Comptroller of the City for the fulfillment of said agreement and for the commencement and completion of such road according to the plan or plans, and on the route or routes fixed for its construction within the time or times designated and prescribed therefor by the provisions of said chapter 642.

THIRD: That in the construction of said railroad and its equipment, the materials and work employed shall be of the best quality and character. And said railroad shall be constructed with side bearing rail, having the outer edge of bearing flush with the pavement, with inside drop not exceeding one inch in depth. And that the cars thereon shall be run as frequently as the convenience of the public may require, and that no freight cars

shall be run upon the routes or any of them, or any part thereof, included in said consent, which plan of construction, quality and pattern of material, number and location of sidings, switches, turn-outs and turn tables, shall be subject to the approval of the Commissioner of Public Works of said city.

FOURTH: That the bidder to which the aforesaid sale shall be made, and any person or corporation using the tracks constructed or laid under or in pursuance of this consent, shall comply with all reasonable ordinances or regulations which the local authorities having charge of the aforesaid streets and avenues, or any of them, shall make as to the rate of speed, mode of use of tracks, and removal of ice and snow, and with any and all provisions of law applicable to any street surface railroad company organized under chapter 252 of the Laws of 1884, and shall not charge any passenger more than five cents from or to any point on the route hereinabove described, nor from any point on said route or any route connecting with the route hereinabove described, to any point on said route or any route connecting with the route hereinabove described, but shall give transfer tickets to a passenger when necessary to secure, and which shall secure to him, one continuous ride between such points for the single fare of five cents.

And said bidder as to the whole route hereinabove described, shall be absolutely and unqualifiedly bound, and any person or company using or operating a railroad upon the tracks, or upon any part of them, constructed upon said route under or by virtue of the consent hereby given or the sale had in pursuance thereof, as to the tracks so used by it or him, shall be jointly and severally bound with the said bidder absolutely and unqualifiedly to repair and keep in permanent repair the portion of said streets and avenues upon which

the tracks shall be so constructed, between the ~~1888~~ ¹⁸⁸⁷ tracks, the rails of the tracks and a space two feet in width outside of and adjoining the outside rails of the track or tracks so long as such tracks so constructed shall continue to be used, and this obligation in respect to the repairing of the streets shall not be dependent upon the requirements of the local authorities, but is made an absolute and unqualified obligation; and they shall in like manner and to a like extent be bound to and shall remove the snow from the same parts of the streets or avenues immediately after it shall have fallen, or as soon as possible thereafter, and not merely to clear the tracks and the space between them by removing the snow to the space intervening between the tracks and the curbstone, but to remove the snow entirely from that portion of the streets or avenues made use of for the construction and operation of the railroad, so far as such snow may have fallen or ice may have been formed upon said tracks, or upon the space between them, or the designated two feet of space upon each side of the outside of said tracks; the snow or ice so removed to be taken from the street and deposited at the nearest and most convenient place used by the City authorities for the deposit of snow removed by themselves.

FIFTH: That the railroad to the construction or operation of which this consent is given may be operated by animal or horse-power, or any other power other than locomotive steam power, provided that no cars shall be operated by any person or company over the route hereinabove described, and under or by virtue of this consent, by any other than animal or horse power, unless the right so to do shall be acquired as provided by Section 12 of Chapter 252 of the Laws of 1884.

SIXTH: That any person or company who shall use or operate a railroad upon the tracks, or any

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part of the tracks, constructed upon the route hereinabove described, under or by virtue of the consent hereby given, or the sale had in pursuance thereof, shall be subject to the same conditions, liabilities, obligations, duties and payments in respect to such use or operation by him or it of or upon such tracks as the bidder to whom the sale shall be made under this consent would be subject were such use or operation made by such bidder, and in computing any percentage upon gross receipts that may hereby become payable, the amount thereof shall be computed upon a fare of five cents as having been received as part of the gross receipts from every passenger who shall ride upon any part of the route hereinabove described, and irrespective of the fact whether such passenger enters or leaves the car at any point upon said route, and the bidder to whom such sales shall be made shall be jointly and severally liable with any such person or company for any default in any of such conditions, liabilities, obligations, duties and payments.

SEVENTH: That the percentage upon gross receipts payable under the bid at such sale shall be made annually on the 1st day of November for the year ending on the next preceding 30th day of September.

EIGHTH: That the said St. Nicholas Avenue and Crosstown Railroad Company shall provide for the expense of publication of the aforesaid notice of sale before said notice shall be published, and the company which, at said sale, shall be the highest bidder, shall at the time and place of sale reimburse the said St. Nicholas Avenue and Crosstown Railroad Company for all expenses of printing and publishing necessarily incurred by it upon the application and sale herein, under the provisions of said chapters 252 of 1884, and 642 of 1886.

NINTH: This consent is given and said sale shall ^{1886-LIV} be made upon the express understanding that the conditions herein stated do not relieve said bidder or any person or company operating a road upon any of the tracks constructed under this consent from any conditions, obligations, liabilities, payments or duties to which they might have been liable in the absence of such conditions.

TENTH: That if the bidder shall not furnish satisfactory security, said Comptroller may cancel the bid and sell this consent and the license in the same manner as is provided by chapter 642 of the Laws of 1886.

ELEVENTH: That said bidder shall, within thirty days after the sale at public auction, execute under its corporate seal, to be attested by its president or treasurer, and by virtue of a resolution of its Board of Directors, an instrument in writing, which shall be delivered to the Comptroller of the city, and which shall contain and express the acceptance by said bidder of this consent of the Common Council for the construction, etc., of the proposed railroad upon the streets and avenues above mentioned upon the terms and conditions upon which this consent is granted, and binding said company to abide by, comply with, faithfully perform and keep said terms and conditions.

The sale at public auction of the right, franchise and privilege mentioned above shall be attended and conducted by the Comptroller of the city, and shall be held at a place in the city, to be designated by said Comptroller, and on the earliest practicable day to be designated by him, or at such time to which the same may be adjourned from the day specified in the notice so published, not exceeding twice, for a period not exceeding four weeks in the aggregate, and only after notice of the time, place and terms thereof, and of the route or routes to be sold, and of the conditions upon

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which this consent is given, shall have been published by said Comptroller three times a week for at least three weeks in two daily newspapers in said city to be designated by the Mayor of said city; and if the bidder shall not furnish satisfactory security, said Comptroller may cancel the bid and sell this consent and the license in the same manner as is provided by chapter 642 of the Laws of 1886.

December 30, p. 507.

Recites, That on September 22, 1886, an application in writing was made to the Common Council of the City of New York, by the North and East River Railway Company, for consent and permission to construct, maintain and operate and use a street surface railroad, for public use, in the conveyance of persons and property, for compensation, in cars, through, over and along the surface of the streets, avenues and highways in such city designated in the application of said company as the route or routes of its proposed railroad;—that said Common Council caused public notice of such application, and of the time and place when the same would be first considered, to be given by publication in two daily newspapers published in said city, to wit, the *Sun* and the *Times*, which papers were designated for that purpose by the Mayor;—that after public notice given as aforesaid such application, said Common Council has, at the time and place designated, given public hearings in relation thereto, and all persons so desiring were given an opportunity to be heard and were heard, and said application has been duly considered by said Common Council:—

Therefore, in pursuance of chapter 252 of the Laws of 1884 and chapter 642 of the Laws of 1886,

The consent of the Common Council of the City^{1886-LIV} of New York is given to the said The North and East River Railway Company to the construction, maintenance, use and operation upon the conditions hereinafter named, and not otherwise, of a street railroad upon and through the streets and avenues in said city, mentioned and described in said petition, as follows, to wit:

Commencing on Fulton street, on South street, at the Fulton Ferry house; running thence through and along Fulton street, with double tracks, to Broadway, and over and across Broadway, continuing through and along Fulton street, with double tracks, to West street; thence through and along West street, with double tracks, to Cortlandt street, at Cortlandt Street Ferry, and returning by the same route, over said double track, to Fulton Ferry, at the place of beginning.

Also commencing on West street, at the southerly side of Fulton street, and running thence through and along West street, with double tracks, to Chambers street, at the Pavonia Ferry house, and returning over said double tracks to the place of beginning.

Together with switches and sidings running from the tracks of said railroad at the intersection of South street with Burling Slip, into, over and along said slip to the southeasterly side of Front street. Also all the necessary connections, switches, sidings, turn-outs, turn-tables, and suitable stands and depots for the convenient operation of said road and the housing and care of its horses, cars, and other equipments;—

The conditions upon which and not otherwise, said consent is given, are as follows, to wit:

FIRST—That the provisions of chapter 252 of the Laws of 1884, pertinent thereto, shall be complied with.

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SECOND—That the right, franchise and privilege of using said streets and avenues to construct, maintain, use and operate a street surface railroad upon said streets and avenues, subject to all the provisions of chapter 252 of the Laws of 1884, and of chapter 642 of the Laws of 1886, shall be sold at public auction to the bidder, which shall be an incorporated railroad or railway company organized to construct, maintain and operate a street railroad in the City of New York, for which such consent is given, and which will agree to give the largest percentage per annum of its gross receipts, with adequate security, by a bond or undertaking in writing, and under seal, in such form, condition, amount and sureties as shall be required and approved by the Comptroller of said city for the fulfilment of said agreement, and for the commencement and completion of such road according to the plan or plans, and on the route or routes fixed for its construction, within the time or times designated and prescribed therefor by the provisions of chapter 642 of the Laws of 1886.

THIRD—That in the construction of said railroad and its equipment, the materials and work employed shall be of the best quality and character, and said railroad shall be constructed with side-bearing rail, having the outer edge of bearing flush with pavement, with inside drop, not exceeding one inch in depth; and that the cars thereon shall be run as frequently as the convenience of the public may require, and that no freight cars shall be run upon the routes or any of them, or any part thereof, included in said consent; which plan of construction, quality and pattern of material, number and location of sidings, switches, turn-outs and turn-tables, shall be subject to the approval of the Commissioner of Public Works of said City.

FOURTH—That the bidder to which the aforesaid ^{1886—LIV} sale shall be made, and any person or corporation using the tracks constructed or laid under or in pursuance of this consent, shall comply with all reasonable ordinances or regulations which the local authorities having charge of the aforesaid streets and avenues, or any of them, shall make as to the rate of speed, mode of use of tracks, and removal of the ice and snow, and with any and all provisions of law applicable to any street surface railroad company organized under chapter 252 of the Laws of 1884, and shall not charge any passenger more than five cents from or to any point on the route hereinabove described, nor from any point on said route or any route connecting with the route hereinabove described, to any point on said route or any route connecting with the route hereinabove described, but shall give transfer tickets to a passenger when necessary to secure, and which shall secure to him one continuous ride between such points for the single fare of five cents.

And said bidder, as to the whole route hereinabove described, shall be absolutely and unqualifiedly bound, and any person or company using or operating a railroad upon the tracks, or upon any part of the tracks, constructed upon said route under or by virtue of this consent or the sale had in pursuance thereof, as to the tracks so used by it or him, shall be jointly and severally bound with the said bidder absolutely and unqualifiedly to repair and keep in permanent repair the portion of said streets and avenues upon which the tracks shall be so constructed, between the tracks, the rails of the tracks and a space two feet in width outside of and adjoining the outside rails of the track or tracks, so long as such tracks so constructed shall continue to be used, and this obligation in respect to the repairing of the streets shall not be dependent upon the requirements of the local authorities, but is hereby made an absolute and unqualified obligation;

1886--LIV and they shall in like manner and to a like extent be bound to and shall remove the snow from the same parts of the streets or avenues immediately after it shall have fallen, or as soon as possible thereafter, and not merely to clear the tracks and the space between them by removing the snow to the space intervening between the tracks and the curbstones, but to remove the snow entirely from that portion of the streets or avenues made use of for the construction and operation of the railroad, so far as such snow may have fallen or ice may have been formed upon the said tracks, or upon the space between them, or the designated two feet of space upon each side of the outside of said tracks; the snow or ice so removed to be taken from the street and deposited at the nearest and most convenient place used by the City authorities for the deposit of snow removed by themselves.

FIFTH—That the railroad to the construction or operation of which this consent is given may be operated by animal or horse power, or any other power other than locomotive steam power, provided that no cars shall be operated by any person or company over the route hereinabove described, and under or by virtue of this consent, by any other than animal or horse power, unless the right so to do shall be acquired as provided by section 12 of chapter 252 of the Laws of 1884.

SIXTH—The plans upon which this North and East River Railway shall be built and operated are those of the Bentley-Knight Electric Railway Company, and are described as follows:

The plant consists of a stationary source of power, engines, boilers, and dynamo-electric machines, which may be located at an extreme end of the line, at tide-water, or at a station; a conduit running from the source of power to and along the whole length of the line, containing stationary and

permanent conductors, which receive and distribute the electric current to the motors placed under the cars and geared to the wheels or axles; and a depending conductor which, passing through a slot in the conduit and sliding in contact with the stationary conductors, maintains unbroken connection with the source of power. ^{1886-LIV}

SEVENTH—That any person or company who shall use or operate a railroad upon the tracks, or any part of them, constructed upon the route hereinabove described, under or by virtue of the consent hereby given, or the sale had in pursuance thereof shall be subject to the same conditions, liabilities, obligations, duties and payments in respect to such use or operation by him or it, of or upon such tracks as the bidder to whom the sale shall be made under this consent would be subject were such use or operation made by such bidder, and in computing any percentage upon gross receipts that may hereby become payable, the amount thereof shall be computed upon a fare of five cents as having been received as part of the gross receipts from every passenger who shall ride upon any part of the route hereinabove described, and irrespective of the fact whether such passenger enters or leaves the car at any point upon the said route, and the bidder to whom such sales shall be made shall be jointly and severally liable with any such person or company for any default in any of such conditions, liabilities, obligations, duties and payments.

EIGHTH—That the percentage upon gross receipts payable under the bid at such sale, shall be made annually on the 1st day of November for the year ending on the next preceding 30th day of September.

NINTH—That the said The North and East River Railway Company shall provide for the expense of

1886—LIV publication of the aforesaid notice of sale before said notice shall be published, and the company which, at said sale, shall be the highest bidder, shall at the time and place of sale reimburse said railroad company for all expenses for printing and publishing, necessarily incurred by it upon the application and sale herein, under the provisions of said chapter 252 of the Laws of 1884, and of said chapter 642 of the Laws of 1886.

TENTH—This consent is given and the said sale shall be made upon the express understanding that the conditions herein stated do not relieve said bidder, or any person or company operating a road upon any of the tracks constructed under this consent from any conditions, obligations, liabilities, payments or duties to which they might have been liable in the absence of such conditions.

ELEVENTH—That if the bidder shall not furnish satisfactory security, said Comptroller may cancel the bid and sell this consent and the license in the same manner as is provided by chapter 642 of the Laws of 1886.

TWELFTH—That said bidder shall, within thirty days after the sale at public auction, execute under its corporate seal, to be attested by its President or Treasurer, and by virtue of a resolution of its Board of Directors, an instrument in writing which shall be delivered to the Comptroller of the city, and which shall contain and express the acceptance by said bidder of this consent of the Common Council for the construction, maintenance, use and operation of the proposed railroad upon the streets and avenues above mentioned upon the terms and conditions upon which this consent is granted, and binding said company to abide by, comply with, faithfully perform and keep said terms and conditions.

The sale at public auction of the right, franchise

and privilege mentioned above shall be attended ^{1886—LVI} and conducted by the Comptroller of the city, and shall be held at a place in the city to be designated by him, and on the earliest practicable day to be designated by him, or at such time to which the same may be adjourned from the day specified in the notice so published not exceeding twice, for a period not exceeding four weeks in the aggregate, and only after notice of the time, place and terms thereof, and of the route or routes to be sold and of the conditions upon which this consent is given, shall have been published by said Comptroller three times a week for at least three weeks, in two daily newspapers in said city, to be designated by the Mayor (and if the bidder shall not furnish satisfactory security, said Comptroller may cancel the bid and sell this consent and the license in the same manner as is provided by chapter 642 of the Laws of 1886).

December 31, p. 519.

An ordinance to regulate the transfer of passengers on the cars of street surface railroads and railways in the use of the streets, highways, roads and public places in the City of New York.

SECTION 1. In all cases where, by law, a passenger is entitled to be carried for one fare, over the route or routes of any company or companies operating a street surface railroad or railway in the city, and such company or companies shall require to transfer such passenger from one car to another, there shall be conspicuously posted and maintained by such company or companies, on the inside of every car employed in traversing such route or routes, a notice that a transfer ticket will be furnished, without additional charge, to each and every passenger, who, having paid one fare, desires to traverse such route or routes.

1886—LIV SECTION 2. Every violation of the foregoing provisions of this ordinance shall subject such company or companies to a penalty of five dollars (\$5) for each day, or part thereof, during which the notice above provided for shall not be posted and maintained as hereinbefore required, in each and every of the cars included in section 1 of this ordinance, to be recovered on behalf of the Corporation of the City, by the Corporation Attorney, in any Court of competent jurisdiction.

SECTION 3. This ordinance shall take effect on the first day of February, 1887.

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FERRIES, EAST RIVER.

Catharine Street to Brooklyn, Main Street.

Landing, between Piers 83 and 84, E. R.

Lessee: Union Ferry Company.

The ferries of this Company all under one lease.

Fulton Street to Brooklyn, Fulton Street.

Landing, between Pier 21 and 22, E. R.

Lessee: Union Ferry Co.

The ferries of this Company all under one lease.

Grand Street to Brooklyn, E. D., Grand Street.

Landing, North side Pier 55, E. R.

Term of lease, Ten years, January 1, 1888 to January 1, 1898.

Lessee: The Brooklyn & New York Ferry Co.

Grand Street to Brooklyn, E. D., Broadway.

Landing, South side Pier 56, E. R.

Term of lease, Ten years, May 1, 1879 to May 1, 1889.

Lessee: The New York Ferry Co.

Houston Street to Brooklyn, E. D., Grand Street.

Landing, South side Pier foot of Houston street.

Term of lease, Five years, May 1, 1888 to May 1, 1893.

Lessee: The Nassau Ferry Co.

James Slip to Long Island City, Hunter's Point.

Landing, between Piers 31 and 32, E. R.

Term of lease, Ten years, May 1, 1883 to May 1, 1893.

Lessee: The East River Ferry Co., assigned to The Metropolitan Ferry Co.

Ninety-second Street to Astoria, L. I.

Landing, foot of street.

Term of lease, Ten years, May 1, 1884 to May 1, 1894.

Lessee: Astoria Ferry Co.

Ninety-ninth Street to College Point, L. I.

Landing, north side foot of street.

Term of lease, Five years, May 1, 1887, to May 1 1892.

Lessee: The Fitzgerald Brewing Co., assigned to Francis A. Clark,
Edward Joyce and Bernard T. Kearns.

Pine Street to Hunter's Point, L. I.

Landing, at end of Pier 17, E. R.

Term of lease, Five years, May 1, 1881, to May 1 1886.

Lessee: Long Island Railroad Co. (Holding over.)

Roosevelt Street to Brooklyn, E. D., Broadway and Eighth Street.

Landing, between Piers 30 and 31, E. R.

Term of lease, Ten years, May 1, 1888 to May 1, 1898.

Lessee: The Brooklyn & New York Ferry Co.

Seventh Street to Hunter's Point.

Suspended, 1888. Lease expired.

Leased formerly to The East River Ferry Co.

Tenth Street to Greenpoint, L. I.

Landing, North side pier foot of street.

Term of lease, Five years, February 1, 1888 to February 1, 1893.

Lessee: The Brooklyn & New York Ferry Co.

Thirty-fourth Street to Hunter's Point, L. I.

Landing, foot of street.

Term of lease, Ten years, May 1, 1888 to May 1, 1898.

Lessee: The Metropolitan Ferry Co.

Twenty-third Street to Brooklyn, E. D., Broadway.

Landing, South side pier foot of street.

Term of lease, Ten years, May 1, 1884 to May 1, 1894.

Lessee: The New York Ferry Co.

Twenty-third Street to Brooklyn, E. D., Greenpoint.

Landing, North side Pier foot of street.

Term of lease, Eight years and four months, February 1, 1883 to June 1,
1891.

Lessee: The Greenpoint Ferry Co.

Wall Street to Brooklyn, Montague Street.

Landing, between Piers 15 and 16, E. R.

Lessee: The Union Ferry Co.

The ferries of this Company all under one lease.

Whitehall Street to Staten Island.

Landing, West side Pier 1, E. R.

Terms of lease, Ten years, May 1, 1883 to May 1, 1893.

Lessee, The Staten Island Railroad Co.

Whitehall Street to Staten Island.

Landing, East side Pier 1, E. R.

Term of lease, Eight years nine months, August 1, 1884 to May 1, 1893.

Lessee: Staten Island Rapid Transit Railroad Co.

Whitehall Street to Bay Ridge, L. I.

Landing, same. (South 30th street, Brooklyn.)

(Included in lease to The Rapid Transit Railroad Co. to Staten Island.)

Whitehall Street to Brooklyn, Hamilton Avenue.

Landing, West side Pier 2, E. R.

Term of lease, Five years, May 1, 1886 to May 1, 1891.

Lessee: Union Ferry Co.

Whitehall Street to Brooklyn, Atlantic Avenue.

Landing, West side Pier 2, E. R.

Lessee: Union Ferry Co.

The ferries of this Company all under one lease.

Whitehall Street to Bay Ridge, L. I.

Landing, East side Pier 2, E. R.

Term of lease, Ten years, May 1, 1884 to May 1, 1894.

Lessee, John W. Ambrose, assigned June 1886 to The New York and South Brooklyn Ferry Co.

FERRIES, NORTH RIVER.

Barclay Street to Hoboken, N. J.

Landing, South side Pier 25, N. R.

Term of lease, Ten years, May 1, 1884 to May 1, 1894.

Lessee: The Hoboken Land and Improvement Co.

Chambers Street to Jersey City, Pavonia Avenue.

Landing, North side Pier 29, N. R.

Term of lease, Ten years, May 1, 1884 to May 1, 1894.

Lessee: The N. Y., Lake Erie & Western Railroad Co.

Christopher Street to Hoboken, N. J.

Landing, between Piers 43 and 44, N. R.

Term of lease, Ten years, May 1, 1884 to May 1, 1894.

Lessee: Hoboken Land and Improvement Co.

Cortlandt Street to Jersey City, N. J.

Landing, between Piers 16 and 18, N. R.

Term of lease, Ten years, February 1, 1888 to February 1, 1898.

Lessee: The Associates of the Jersey Co.

Desbrosses Street to Jersey City.

Landing, foot of street.

Term of lease, Ten years, February 1, 1888 to February 1, 1898.

Lessee: The Associates of the Jersey Co.

Forty-second Street to Weehawken, N. J.

Landing, foot of street.

Term of lease, Ten years, May 1, 1881 to May 1, 1891.

Lessee: Conrad N. Jordan, assigned to the N. Y. & Hudson River Railroad Co.

Fourteenth Street to Hoboken, N. J., Elysian Fields.

Landing, foot of street.

Term of lease, Ten years, May 1, 1884 to May 1, 1894.

Lessee: Hoboken Land & Improvement Co.

Jay Street to Weehawken, N. J.

Landing, North side Pier 33, N. R.

Term of lease, One year, January 1, 1888 to January 1, 1889.

Lessee: The New York Central & Hudson River R. R. Co.

Liberty Street to Communipaw, N. J.

Landing, North side Pier 14, N. R.

Term of lease, Nine years, May 1, 1882 to May 1, 1891.

Lessee: Central Railroad Co. of New Jersey.

One Hundred and Thirtieth Street to Fort Lee, N. J.

Landing, foot of street.

Term of lease, Ten years, May 1, 1881 to May 1, 1891.

Lessee: Edward H. Coffin (assigned).

Twenty-third Street to Jersey City, Pavonia Avenue.

Landing, foot of street.

Term of lease, Ten years, May 1, 1887 to May 1, 1897.

Lessee: N. Y., Lake Erie & Western Railroad Co.

